

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Public Service Commission -
(Agency or Board)

Regulation No. PSC 1 thru 248 amended

Subject: Bus and Truck - Telephone - Engineering Rules + Specifications - Local Grain Warehouses and Railroads

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

OCT 2 1974 3:10 pm

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 10-2-74

Rev. 9-72

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : **Jack Van de North**
Special Assistant Attorney General
Public Service

DATE: **October 3, 1974**

FROM : Michael B. Miller MBM
Special Assistant Attorney General

SUBJECT: Rules and Regulations

Enclosed directly following this memorandum are the rules and regulations you have submitted for approval. These rules and regulations have been approved by the Attorney General, filed with the Secretary of State and with the Department of Administration.

Upon receipt and before transmittal to your agency, it is IMPERATIVE that you recheck these rules and regulations as to:

1. Are the stamps of the Attorney General, Secretary of State and Department of Administration affixed to the last page of the rules and/or regulations;

2. Are all rules and/or regulations submitted covered by these stamps;

3. Are all pages of the rules and/or regulations included in the approved set?

Directly following the approved rules and/or regulations is a complete set of required documents and transcript which MUST be retained with the approved rules and/or regulations by you or your agency.

Also enclosed are additional documents and transcripts not retained by the Secretary of State; these should also be retained with the rules and/or regulations by you or your agency.

If you have any questions in this regard, please contact me.

MBM/sr

Enclosures

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT Public Service

Office Memorandum

TO : Michael B. Miller
Special Assistant Attorney General
102 State Capitol

DATE: September 12, 1974

FROM : Jack Van de North
Special Assistant Attorney General JVdN

SUBJECT: Adoption of Rules

We enclose herewith for filing proposed amendments to the rules of the Minnesota Public Service Commission relating to the Bus and Truck Division, the Telephone Division, the Railroad Engineering Division and the Grain Warehouse Division, which were approved by the Commission on September 9, as follows:

1. Five copies of the rules as adopted
2. Three copies of the rules as proposed
3. One transcript of the public hearing on the proposed rules
4. Three sets of the following:
    1. Certificate of Commission's Authorizing Resolution
    2. Order for Hearing
    3. Notice of Hearing
    4. Affidavit of Acquisition of Mailing List
    5. Secretary of State's Certificate
    6. Mailing list. Since this list is unusually large, only one copy is enclosed which is attached to the original Notice of Hearing
    7. Affidavit of Mailing
    8. Statement of Need
    9. Findings of Fact
    10. Certificate of Commission's Adoption of Rules Resolution
    11. Resolution approving Rules
    12. Order Adopting Rules
    13. Statement of Compliance with the Attorney General's Rulemaking Procedure.

JVdN/jt
encs.

AMENDMENTS TO THE 1970 EDITION OF
MINNESOTA RULES AND REGULATIONS
RELATING TO THE
PUBLIC SERVICE COMMISSION

CHAPTER ONE: PSC 1-39

BUS AND TRUCK DIVISION

Amend PSC 1(c), Definitions, to read as follows:

(c) When used in these rules the letters shown below have the following meaning:

RRCC means Regular Route Common Carrier

PS means Petroleum Carrier

IRCC means Irregular Route Common Carrier

CC means Contract Carrier

CCP means Charter Carrier of Passengers

LS means Livestock Carrier

RC means Reciprocity Carrier

LCC means Local Cartage Carrier

IC means Interstate Carrier

Amend PSC 1(o), Definitions, to read as follows:

(o) The term "petroleum transport" means any vehicle, trailer or semi-trailer with a tank or tanks mounted thereon, or made an integral part thereof (other than the fuel-supply tank for the engine of such vehicle), which is filled or emptied while remaining on the vehicle and used for transporting petroleum products and is owned or operated by or for an authorized petroleum carrier.

Amend PSC 1, Definitions, by adding a paragraph (r) as follows:

(r) The term "mobile home" shall mean a transportable structure built on a chassis and designed to be used for residential, commercial, educational or industrial purposes, with or without a permanent foundation, when connected to the required utilities, and the term "mobile home" shall be deemed to include the following:

1. A double wide mobile home and/or sectional trailer defined as a mobile home, consisting of two or more sections, to be combined horizontally at the site, while still retaining their individual chassis for possible future movement.
2. An expandable mobile home defined as a mobile home with one or more room sections that can be folded, collapsed or telescoped while being transported and expanded at the site to provide additional cubic capacity.
3. A modular unit defined as a factory-fabricated transportable building unit designed to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

Amend PSC 2, Commission Action, by deleting paragraphs (c) and (t), and changing (d) to (c), (e) to (d), (f) to (e), (g) to (f), (h) to (g), (i) to (h), (j) to (i), (k) to (j), (l) to (k), (m) to (l), (n) to (m), (o) to (n), (p) to (o), (q) to (p), (r) to (q), (s) to (r), and (u) to (s).

Amend PSC 2(e), redesignated (d), Commission Action, to read as follows:

(d) Cards are issued to all for-hire carriers, including local cartage carriers, for identifying the vehicle. Such cards will be called "Carrier Identification Authority" or "Cab Cards".

The "Carrier Identification Authority Card" or "Cab Card" must be carried at all times in a readily available place in the cab of the vehicle for which it was issued; that upon request it must be shown to identify authority granted and that the owner thereof has complied with all laws, rules and regulations of the Commission governing the operations for the type of authority granted.

All power units used in local cartage carrier transportation shall display identifying letters and assigned LCC permit number on both sides of the power unit on the doors. The numbers and letters shall not be less than one and one-half (1½) inches in height and one (1) inch in width and are to be legible at all times.

Amend PSC 2(f), redesignated (e), Commission Action, to read as follows:

(e) The name and post office address of the certificated, permit, and local cartage carrier must be shown on both sides of the power units on the doors on each vehicle and must be the same as shown in the certificate or permit. The lettering shall be not less than three (3) inches high, made by strokes no less than one-half (½) inch wide of a contrasting color, so as to be legible at all times.

Amend PSC 2(j)(2), redesignated (i)(2), Commission Action, to read as follows:

(i)(2) The compliance period in all orders involving new applications or extension of authority issued by the Commission shall be thirty (30) days from the receipt of such order by the person by whom compliance is to be

made, unless otherwise ordered by the Commission, and failure to make such compliance as aforesaid shall render the order null and void and all proceedings in such matter shall be terminated.

Amend PSC 2(q), redesignated (p), Commission Action, to read as follows:

(p) No permit shall be issued to any person under eighteen (18) years of age.

Amend PSC 2(s)(2), redesignated (r)(2), Commission Action, by deleting the second paragraph and substituting in lieu thereof the following:

(r)(2) (second paragraph) In the case of any intrastate move the bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order, shall have printed in distinctive color in boldface type on the face thereof a statement reading as follows:

> Unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, the carrier's maximum liability for loss and damage shall be either the lump sum value declared by the shipper or an amount equal to $1.25 for each pound of weight in the shipment, whichever is greater.

The release of value must be entered in the following form directly below and immediately following the foregoing statement, and must be completed only by the person signing it.

> The shipment will move subject to the rules and conditions of the carrier's tariff. Shipper hereby releases the entire shipment to a value not exceeding _____.
> (To be completed by the person signing below)
> Notice: The shipper signing this contract must insert in the space above in his own handwriting, either his declaration of the

actual value of the shipment, or the words "60 cents per pound per article." Otherwise, the shipment will be deemed released to a maximum value equal to $1.25 times the weight of the shipment in pounds.

_____
(Shipper)

_____
(Date)

Provided that: Where the shipper is the employer of the actual owner of the household goods being transported and is responsible for all transportion charges in connection with such a move, the shipper may instruct the motor carrier to release the shipment to a value of 60 cents per pound per article (a) by specification made on a purchase order, or (b) by issuing, in advance of the shipping date, appropriate letters of instructions to the carrier. In such instances, the motor carrier must incorporate the instructions by reference to the document in (a) or (b) above in the bill of lading in lieu of the personal signature and handwritten statement relating to released rates.

Amend PSC 2(s)(7), redesignated (r)(7), Commission Action, to read as follows:

(r)(7) No carrier of household goods shall advertise or in any way imply or suggest that such carrier carries insurance which will cover damage or loss to household goods while being loaded or unloaded, or in transit or storage, or otherwise in the care or custody of the carrier, unless such carrier actually carries such insurance.

Amend PSC 2(s)(8), redesignated (r)(8), Commission Action, to read as follows:

(r)(8) No certificated, permit, household goods or local cartage carrier shall advertise in any publication, including a telephone directory, unless such advertisement shall contain such carrier's Public Service Commission assigned authority number, and the appropriate identification letters.

Amend PSC 2(u)(3)(aa)(aa-1), redesignated (s)(3)(aa)(aa-1), Commission Action, to read as follows:

(s)(3)(aa)(aa-1) The provisions of paragraph (aa) shall not apply between motor carriers that have authority as defined under Minnesota Statutes 221.011, Subd. 9, 10, 11, 12, 13, 21 and 24, nor shall it apply to Local Cartage Carriers as defined in Minnesota Statutes 221.296.

Amend PSC 3(j)(2), Records, to read as follows:

(j)(2) In accidents resulting in loss of life or requiring hospitalization or medical attention, or property damage amounting to or more than two thousand dollars ($2,000), a summary report shall be made to the Commission within 48 hours of the time of said accident and a detailed written report of the accident made available to the Commission within fifteen (15) days/

Amend PSC 3(j)(3), Records, to read as follows:

(j)(3) A written report of accidents shall contain the following information: Name of carrier, principal business address, type of carrier, date of accident, time of accident, place where accident occurred, highway number, county, city, name and address of the driver of the vehicle, type of accident, collision, non-collision, whether accident involved fire or explosion, other vehicles involved, name of the owners, addresses, type of vehicles, names and addresses of persons killed or injured and so designated. Such written report may be made on the U. S. Department of Transportation motor vehicle accident report form.

Amend PSC 5, Safety, General Application - Safety Regulations, paragraph 3, to read as follows:

All rules and safety regulations prescribed in Code of Federal Regulations, Title 49, Parts 100 to 199, revised as of October 1, 1973, and adopted by the U. S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, designated as the hazardous materials regulations, not in conflict with the laws of the State of Minnesota, and/or rules of the Commission, are hereby adopted as the safety rules and regulations of this Commission.

Amend PSC 5(k), Safety, to read as follows:

(k) All applications for identification cards shall have therewith a certificate, on forms furnished by the Commission, wherein the applicant certifies that all the vehicles for which cards have been applied, meet the safety standards of the Commission and no card shall be issued unless the vehicle to which said card is to be assigned, is covered by such certification.

Amend PSC 6(i)(5), Drivers, to read as follows:

(i) (5) Every petroleum transport shall be operated by the driver in accordance with the law and ordinances of the state and its municipalities governing the regulation of traffic upon the streets and highways except that in no event shall a transport ever be operated upon such streets and highways to exceed the prevailing maximum speed limits.

CHAPTER TWO: PSC 40-47

Amend PSC 43, Motor Carrier Accounting Rules, by adding one paragraph (i), as follows:

(i) Changes in uniform systems of accounts and in annual report forms shall not be subject to rules proceedings.

Amend PSC 44(b), Insurance, Regular Route Common Carriers of Passengers and Charter Carriers of Passengers, to read as follows:

(b) Public liability and property damage insurance must be filed with the Commission by all regular route common carriers of passengers and charter carriers of passengers operating under authority in the following minimum amounts for passenger equipment with a seating capacity of 12 passengers or less up to 33 passengers or more:

Limit for bodily injury to or death of one person $100,000

Limit for loss or damage in any one accident to property of others (excluding cargo) $50,000

Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person) $300,000

PASSENGER EQUIPMENT (Seating Capacity)	
12 passengers or less	$300,000
13 to 20 passengers, incl	350,000
21 to 32 passengers, incl	400,000
33 passengers or more	450,000

Amend PSC 45(b), Insurance, Regular Route Common Carriers of Freight and Permit Carriers of Freight, to read as follows:

(b) Public liability and property damage insurance must be filed with the Commission by all regular route common carriers of freight, permit and local cartage carriers of freight in the following minimum amounts:

Kind of Equipment - All Motor Vehicles used in the Transportation of Freight Only.

Limit for bodily injuries to or death of one person $100,000

Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person) $300,000

Limit for loss or damage in any one accident to property of others (excluding cargo) $50,000

Amend PSC 46(b), Insurance, Petroleum Carriers, to read as follows:

(b) Public liability and property damage insurance must be filed with the Commission by all petroleum carriers operating under authority in the following minimum amounts:

Kind of Equipment - All Motor Vehicles used in the Transportation of Petroleum Products Only.

Limit for bodily injuries to or death of one person $100,000

Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person) $300,000

Limit for loss or damage in any one accident to property of others (excluding cargo) $50,000

AMENDMENTS TO THE 1970 EDITION OF
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CHAPTER SEVEN: PSC 170-219

TELEPHONE DIVISION

Amend PSC 171, Application of Rules, paragraph (b) to read as follows:

(b) These rules govern the furnishing of communications service and facilities to the public by communications utilities subject to the jurisdiction of the Commission. The purpose of these rules is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.

Amend PSC 171, Application of Rules, paragraph (e) to read as follows:

(e) These regulations shall in no way relieve any utility from any of its duties under the laws of this State or from any other rules or directives of this Commission.

Amend PSC 172, Definitions, to read as follows:

(1) "Average Busy Season - Busy Hour Traffic" means the average traffic volume for the busy season, busy hours.

(2) "Base Rate Area" means that contiguously developed portion or portions within each exchange service area as set forth in the telephone utility's tariff, maps or descriptions. Main Station service within this contiguous area is furnished at uniform rates without mileage charges.

(3) "Business Service" - telecommunications service provided a customer where the use is primarily or substantially of a business, professional, institutional or otherwise occupational nature.

(4) "Busy Hour" means the two consecutive half-hours during which the greatest volume of traffic is handled in the office.

(5) "Busy Season" means that period of the year during which the greatest volume of traffic is handled in the office.

(6) "Calls" mean customers telephone messages attempted.

(7) "Central Office" means a switching unit, in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting subscriber lines and trunks or trunks only. There may be more than one central office in a building.

(8) "Channel" - a path for communication between two or more stations or telephone utility offices, furnished in such a manner as the carrier may elect, whether by wire, radio or a combination thereof and whether or not by a single physical facility or route.

(9) "Class of Service" - a description of telecommunications service furnished by a customer which denotes such characteristics as nature of use (business or residence) or type of rate (flat rate or message rate). Classes of service are usually subdivided in "grades", such as individual line, two-party or four-party.

(10) "Commission" means the Minnesota Public Service Commission.

(11) "Customer or Subscriber" means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., provided with telecommunications service by any telephone utility.

(12) "Customer Trouble Report" means any oral or written report from a subscriber or user of telecommunications service relating to a physical

defect or to difficulty or dissatisfaction with the operation of telecommunications facilities. One report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

(13) "Exchange" means a unit established by a telephone utility for which a separate local rate schedule is provided. It may consist of one or more central offices together with associated plant facilities used in furnishing telecommunication services in that area.

(14) "Exchange Service Area" - the geographical territory served by an exchange, usually embracing a city, town or village and its environs.

(15) "Farmer Line" - see "Service Station Line."

(16) "Grade of Service" means the number of parties served on a telephone line, such as one-party, two-party, four-party, etc.

(17) "Individual Line Service" - a classification of exchange service which provides that only one main station shall be served by the circuit connecting such station with the central office equipment.

(18) "Intercept Service" - a service arrangement provided by the utility whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, or discontinued, or changed to another number, or that calls are being received by another telephone, etc.

(19) "Interexchange Trunks" - transmission paths, including the conductor or conductors and associated equipment, connecting two exchanges.

(20) "Line" - a general term used in the communication industry in several different senses, the most important of which are:

(a) The conductor or conductors and supporting or containing structures extending between customer stations and central offices, or between central offices whether they be in the same or different communities.

(b) The conductors and circuit apparatus associated with a particular communication channel.

(c) Any communication channel between two points disregarding the method of its derivation.

(21) "Local Calling Area" - the area within which telecommunication service is furnished customers under a specific schedule or exchange rates. A local calling area may include one or more exchange service areas or portions of exchange service areas.

(22) "Local Exchange Service" - telecommunication service provided within local exchange service areas in accordance with the tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange.

(23) "Local Message" - a completed call between stations located within the same local calling area.

(24) "Local Message Charge" - the charge that applies for a completed telephone call that is made when the calling station and the stations to which the connection is established are both within the same local calling area, and a local message charge is applicable.

(25) "Local Service Charge" - the charge for furnishing facilities to enable a customer to send or receive telecommunications within the local service calling area. This local service calling area may include one or more exchange service areas.

(26) "Long Distance Telecommunications Service" - that part of the total communication service rendered by a utility which is furnished between customers in different local service areas in accordance with the rates and regulations specified in the utility's tariff.

(27) "Message" means a completed customer telephone communication.

(28) "Outside Plant" means the telecommunications equipment and facilities installed on, along, over or under streets, alleys, highways, or on private rights-of-way between the central office and customers' locations or between central offices.

(29) "Party Line Service" - a classification of exchange service which provides for a number of main stations to be served by the same central office line.

(30) "Public Telephone Service" - an individual line customer service equipped with a coin collecting telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

(31) "Station" - a telephone instrument or other terminal device.

(32) "Service Station Line" means those facilities owned and maintained by a customer or group of customers, which lines are connected with the facilities of a telephone utility for communication service.

(33) "Subscriber Line" means the wires or channels used to connect the telephone equipment at the subscriber's premises with the central office.

(34) "Switching Service" means switching performed for service station lines.

(35) "Tariff" means the entire body of rates, tolls, rentals, charges, classifications and rules, adopted and filed with the Commission by a telephone utility or other carriers.

(36) "Telephone Utility" means any person, firm, partnership, cooperative organization or corporation engaged in the furnishing of telecommunication service to the public under the jurisdiction of the Commission.

(37) "Toll Connecting Trunks" means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office, except trunks classified as tributary circuits.

(38) "Toll Stations" means a telephone connected to a toll line or directly to a toll board.

(39) "Traffic" - a telephone call volume, based on number and duration of messages.

Amend PSC 174, Retention of Records, to read as follows:

(a) All records required by these rules shall be preserved for the

period of time specified in the current edition of the Federal Communications Commission's records retention schedule, unless otherwise specified by the Commission.

(b) Each telephone utility shall maintain records of its operations in sufficient detail to permit review of its service performance, and such records shall be made available to the Commission upon request.

(c) Each telephone utility shall report promptly to the Commission any specific occurrence or development which disrupts the service of a substantial number of its customers or which may impair the utility's ability to furnish service to a substantial number of customers.

Amend PSC 175, Data to be filed with the Commission, to read as follows:

(a) "Tariffs" - each telephone utility shall have its tariff on file with the Commission in accordance with the rules and regulations governing the filing of tariffs as prescribed by the Commission.

(b) "Exchange Maps" - each telephone utility shall have on file with the Commission an exchange area boundary map for each of its exchanges within the state. Each map shall clearly show the boundary lines of the area which the telephone utility holds itself out to serve in connection with the exchange. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall include location of highways, section lines, geographic township and range lines, railroads and water ways outside municipalities. Maps generally shall contain detail as shown on county highway maps. The map scale and other detail shall be shown as required

by the Commission. Data associated with the exchange map shall be immediately available for public information at each business office for the area served by said office. Each telephone utility filing an original or revised map shall submit proof of notice of the proposed boundary to any other telephone utility adjoining the area in which a boundary line is to be established or changed.

(c) "Service Reports" - each utility shall furnish to the Commission at such times and in such form as the Commission may require, the results of any tests, summaries or records. The utility shall also furnish the Commission with any information concerning the utility's facilities or operations which may be requested.

Amend PSC 176, Meter Reading Records, to read as follows:

When meters are used in connection with telecommunications service the meter reading records from which the customers' bills are prepared shall show:

(1) Identifying number or means to determine readily the customer's name, address and service classification.

(2) Meter readings.

(3) Date of meter reading.

(4) Multiplier or constant, if used.

Amend PSC 179, Customer Billing, to read as follows:

(a) Bills to customers shall be rendered regularly and shall contain a clear listing of all charges.

(b) In the event the dispute is not reconciled, the company shall

advise the customer that he may make application to the Commission for review and disposition of the matter.

(c) In the event the customer's service is interrupted otherwise than by negligence or willful act of the customer and it remains out of order for 24 hours after being reported to the company, adjustments shall be made to the customer, based upon the prorata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative. The refund may be accomplished by a credit on a subsequent bill for telephone service. If in the case of such interruption, service is restored on or before the day after it is reported or found by the company, no allowance will be made.

(d) Upon the request of any customer or applicant, the telephone utility shall provide an explanation of the rates, charges and provisions applicable to the service furnished or available to such customer or applicant, and shall provide any information and assistance necessary to enable him to obtain the most economical communications service conforming to his stated needs. Applicants for residential telephone service shall be advised as to alternate services available to meet their stated communications requirements. This information may include printed explanations of alternate services and rates. Correspondingly, the utility shall notify residential customers of any service and shall provide an estimate of the initial billing for basic monthly service (including fractional monthly amounts) plus any other applicable charges.

(e) The customer shall be provided with an estimate of the charges where special charges not specifically set forth in a utility's tariff

are levied on the basis of actual cost for such items as extraordinary construction, maintenance, or replacement costs or expenses, overtime work at the customer's request and special installations, equipment and assemblies.

Amend PSC 180, Business Office Operations, to read as follows:

1. General

(a) Business offices shall be staffed to provide customers and others with convenient access to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error and to generally act as representatives of the utility. If one business office serves several communities, toll-free calling from such communities to that office shall be provided.

(b) Qualified personnel shall be instructed to be courteous, considerate, efficient and be available to promptly serve those who contact the business office.

(c) Access to the following information shall be made available at the business office upon request:

(1) Copies of all tariffs as described in these rules applicable to the area served by the business office.

(2) Maps showing exchange, base rate area and zone (if applicable) boundaries in sufficient size and detail from which all customer locations can be determined and mileage or zone charges quoted.

(3) Publicly announced information as to the present intended future availability of specific classes of service at an applicant's location.

(4) Publicly announced information concerning plans for major service changes in the area served by the business office.

(5) Information pertaining to services and rates as proposed in pending tariff or rate change filing.

2. Customer Deposits

(a) A deposit may be required as a condition for establishment or continuance of service as provided for in the utility's rules and tariffs on file with the Commission.

(b) When a deposit is required it shall not exceed the estimated two months total telephone service billing.

Amend PSC 181, Reasons for Denying Service, to read as follows:

Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, notified and allowed, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued:

(1) Without notice in the event of customer use of equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others.

(2) Without notice in the event of tampering with the equipment furnished and owned by the utility.

(3) For violation of, or non-compliance with, the Commission's Regulations Governing Service supplied by Telephone Utilities, or for violation of, or non-compliance with, the utility's rules or tariffs on file with the Commission.

(4) For failure to comply with municipal ordinances or other laws pertaining to telephone service.

(5) For failure of customer to permit the utility reasonable access to its equipment.

(6) For non-payment of bill as provided for in the utility's tariff.

(7) Failure to establish credit on request for initial or additional service.

Amend PSC 182, Insufficient Reasons for Denying Service, to read as follows:

The following shall not constitute sufficient cause for refusal of service to a present or prospective customer:

(1) Delinquency in payment for service by a previous occupant, other than a member of the same household, of the premises to be served.

(2) Failure to pay directory advertising charges.

(3) Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice versa.

Amend PSC 183, Complaints and Appeals, to read as follows:

(a) Each telephone utility shall make a full and prompt investigation of all types of complaints made by its customers or applicants, either directly to it or through the Commission.

(b) The utility shall direct its personnel engaged in initial contact with an applicant or customer in which dissatisfaction with the decision or explanation of such personnel is expressed, to inform him of his right to have the problem considered and acted upon by supervisory personnel of the telephone utility. The utility shall further direct such supervisory personnel, in the event the decision or explanation is not acceptable to the applicant or customer, to advise him that he may appeal the matter to the Commission.

(c) If the use of service interferes unreasonably with the necessary service of other customers, a customer may be required to take service in sufficient quantity or of a different class or grade.

Amend PSC 184, Held Applications, by adding a paragraph (c), as follows:

(c) Ninety percent of the utility's commitments to customers as to the date of installation of regular service orders shall be met excepting customer caused delays and acts of God.

Amend PSC 185, Directories, by amending paragraphs (c), (d) and (e) and adding one paragraph (i) to read as follows:

(c) The name of the telephone utility, the area included in the directory, the year and month of issue, shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

(d) The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location of telephone company business offices as may be appropriate to the area served by the directory.

(e) Directory Assistance or intercept operators shall maintain records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing Directory Assistance service.

(i) Each telephone utility shall make every effort to list its customers with Directory Assistance as necessary for the Directory Assistance operators to provide the requested telephone numbers based on customer names and post office addresses to eliminate "not found" numbers where the address is different from the address normally associated with an exchange directory.

Amend PSC 191, Selective Ringing, to read as follows:

Each telephone utility shall have as an ultimate objective the provision of full selective ringing for all telecommunication services.

Amend PSC 193, Emergency Operations, to read as follows:

(a) Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of operators or from fire, storm, or acts of God, and each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telecommunications service.

(b) It is essential that all companies shall make reasonable provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered on short notice, and which can be readily connected. Each central office shall contain as a minimum four hours of battery reserve.

(c) In exchanges exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

Amend PSC 201, Test Records, to read as follows:

(a) A record of all meter and/or recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. Such record shall include: The identifying number of the meter and/or recording device; its type; the date and kind of test, and the results as found at each test. The record of tests of each meter and/or recording device shall be maintained for at least two years.

(b) Upon request of any customer the telephone utility shall make a test of any meter and/or recording device related to his billing. Such requests should not be made more often than once every three months unless unusual circumstances exist.

(c) In the event a dispute, relating to meter and/or recording device billing, is not reconciled between the customer and the utility, the utility shall direct its personnel to inform the customer that he may appeal to the Commission for further review of the matter.

Amend PSC 203, Basic Utility Obligations, by amending paragraph (c) to read as follows:

(c) Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review and such records shall be made available for inspection by the Commission upon request at any time within the period prescribed for retention of such records. Each utility shall make measurements to determine the level of service for each item included in these rules. Each utility shall

provide the Commission or its staff with the measurements and summaries thereof for any of the items included herein on request of the Commission or its staff. Records of these measurements and summaries shall be retained by the utility as specified by the Commission.

Amend PSC 205, Answering Time, to read as follows:

(a) Adequate forces shall be provided at local manual offices in order to assure that 95% of the calls will be answered within ten (10) seconds.

(b) Ninety percent of repair service calls, calls to the business office and other calls shall be answered within 20 seconds.

(c) An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an "answer".

Amend PSC 206, Dial Service Requirements, to read as follows:

Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements during average busy season-busy hour:

(1) Dial tone within three (3) seconds on at least 98.0% of telephone calls. Dial tone delays of more than 2.6% of calls on a continuing basis indicates a need for investigative or corrective action.

(2) Complete dialing of called numbers on at least 97% of telephone calls without encountering an all-trunk busy condition within the central office.

Amend PSC 207, Interoffice Trunks, to read as follows:

Local interoffice trunks shall be provided so that at least 95% of telephone calls offered to the group will not encounter an all-trunks-busy condition. For toll connecting trunks, this figure shall be at least 97%.

When the completion rate falls below 95% on a continuing basis investigative or corrective action should be initiated.

Amend PSC 211, Interruptions of Service, by amending paragraphs (a) and (e) to read as follows:

(a) Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall re-establish service with the shortest possible delay. The minimum objective should be to clear 95% of all out-of-service troubles within 24 hours of the time such troubles are reported. In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.

(e) It shall be the objective to so maintain service that the average rate of all customer trouble reports in an exchange is no greater than 6.5 per one-hundred (100) telephones per month. A customer trouble report rate of more than 8.0 per 100 telephones per month by repair bureau on a continuing basis indicates a need for investigative or corrective action.

MINNESOTA RULES AND REGULATIONS
RELATING TO THE
PUBLIC SERVICE COMMISSION

CHAPTER EIGHT: PSC 220-245

RAILROADS

Engineering Rules and Specifications

PSC 220 Introduction

(a) General. These rules and specifications are intended to apply to railroad related engineering functions under the jurisdiction of the Department of Public Service and the Public Service Commission. These rules and specifications set forth in this Chapter Eight are not retroactive but are intended to apply to future replacements and installations, and to existing installations that are significantly changed, modified or reconstructed. Installations already lawfully in place are not to be considered as in violation of these rules.

The Commission reserves the right at any time, after due process, to require changes or improvements at particular locations so as to conform to the requirements of these rules.

(b) Definitions

(1) Commission - Public Service Commission

(2) Department - Department of Public Service which engineering functions are administered by the Department of Highways, Engineer of Railway Negotiations pursuant to an authorized reorganization of state government in September 1972.

(3) U.S.D.O.T. - United States Department of Transportation

F.H.W.A. - Federal Highway Administration, an agency of the U.S.D.O.T.

F.R.A. - Federal Railroad Administration, an agency of the U.S.D.O.T.

(4) A.A.R. - Association of American Railroads

Signal Manual - A.A.R., Communications and Signal Section, Signal Manual of Recommended Practices, on file and available for inspection in the office of Engineer of Railway Negotiations, Minnesota Department of Highways or available for purchase at 1920 L Street NW, Washintgon, D.C. 20036.

(5) Manual - "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways" approved by the Commissioner, Minnesota Department of Highways.

(6) Railroad Crossing - The intersection of one or more railroad tracks at grade with a public way.

(c) Uniform Project Accounting and Billing. U.S.D.O.T., F.H.W.A., Policy and Procedure Memorandum No. 30-3 of most recent revision shall be the basis for railroads billing their allocated or agreed upon share of their work against any public authority in connection with any project under the jurisdiction of the Department or Commission unless otherwise specifically noted in an Order of the Commission.

PSC 221 Highway - Railroad Grade Crossings

(a) National Inventory and Numbering Project

The Department is cooperating with the U.S. Department of Transportation and the railroads in a project to identify each crossing with a unique number attached to the sign or signal at the crossing. Public grade crossings, bridges, pedestrian crossings and private grade crossings will be identified, and the characteristics of each crossing will be tabulated. Reference should be made to these inventory numbers whenever possible. Information regarding this project can be obtained from: Engineer of Railway Negotiations, Minnesota Department of Highways, St. Paul, Minnesota 55155.

(b) Signs

(1) General

All signs to be used on public roads in Minnesota must comply with the "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways" approved by the Commissioner, Minnesota Department of Highways. Sign number designations shown in these rules refer to the Manual.

Requests for clarification, interpretation, or modification of the Minnesota Manual shall be addressed to the Commissioner of Highways, and marked for the attention of the Office of Traffic Engineering, State Highway Building, St. Paul, Minnesota 55155. Any requests which require action at the national level will be forwarded to the Federal Highway Administration with an appropriate recommendation by the State.

Full scale drawings of the standard symbols used on signs, and the Minnesota Standard Signs Manual containing detailed drawings for the standard signs illustrated in the Manual are available from the Office of Traffic Engineering, Minnesota Department of Highways, State Highway Building, St. Paul, Minnesota 55155.

Full scale drawings of the standard alphabets are available from the Office of Traffic Engineering, Minnesota Department of Highways, State Highway Building, St. Paul, Minnesota 55155.

(2) Railroad Crossbuck Sign

The crossbuck shall be white with the words RAILROAD CROSSING in black lettering. If there are two or more tracks, including sidings, the number of tracks shall be indicated on an auxiliary sign of inverted T shape mounted below the crossbuck. The crossbuck shall be used at every railroad crossing, alone or in combination with other warning devices.

The design of the Railroad Crossbuck (R15-1) with auxiliary sign showing the number of tracks (R15-2), has been standardized by the Association of American Railroads and shall comply with Figure 1.

All or any part of the sign may be constructed of wood or metal, and mounted on a post of wood or other yielding design.

Reflectorized 4-ft. 90-deg type, blades of suitable material shall be used on post.

All letters and numerals shall be in black color on reflectorized white background.

Height may be varied as required by local conditions.

Auxiliary multiple track sign to be used only where warning device is for more than one track.

The crossbuck sign is furnished, installed and maintained by the railroad company and is usually located on the railroad right-of-way. The distance that should be assumed to separate tracks before an additional crossing sign is considered necessary is 100 feet, unless local conditions require otherwise. The sign shall be erected on the right-hand side of the roadway on each approach to the crossing.

Crossbuck signs shall be located to the right of the traveled roadway not less than 2 feet clear of the face of curb or edge of shoulder or not less than 10 feet clear of the edge of traveled lane, and not less than 12 feet from center line of the nearest track. (See Figure 1).



R15–1
48" x 9"
(drilled for 90-degree mounting)



R15–2
9" x 9"
27" x 9"

The Department may require crossbuck signs to be mounted back to back for additional emphasis at selected locations.

(3) Railroad Advance Warning Sign

A Railroad Advance Warning Sign shall be used in advance of every railroad crossing, except at a minor spur or siding which is infrequently used and which is guarded by train crews; or in the business districts of large cities where the crossings are fully protected; or where the physical conditions are such that even a partially effective display of the sign is impossible.

On a divided highway it may be desirable to erect a supplemental sign on the left shoulder of the roadway. In residence or business districts, where low speeds are prevalent, the sign may be placed a minimum distance of 100 feet from the crossing. If there is a street intersection within 100 feet an additional sign or signs may be placed to warn traffic approaching the crossing from each intersected street.

Railroad Advance Warning Signs are usually off the railroad right-of-way and are properly the responsibility of the public authorities. The application of Railroad Crossbuck Signs on the railroad right-of-way is described in PSC 221 (b)(2).



W10-1
36" Diameter

(4) Supplemental Railroad Advance Warning Signs

The Minnesota Department of Highways has adopted certain Supplemental Railroad Advance Warning Signs as described herein.

These signs are intended for use in advance of certain non-signalized railroad crossings whereat conditions indicate the need for additional advance warning supplementing that provided by the W10-1 circular Railroad Advance Warning Sign. The use of these signs should be based on an investigation of pertinent conditions at the crossing such as train and vehicle speeds, sight distractions or obstructions, stopping distances and similar criteria.

The signs may be used individually or in logical sequence, but shall always be preceded on the approach by the W10-1 sign, which is the initial and primary warning sign to be installed at crossings.

The TRACK ANGLE (W10-X1) Sign is intended to convey to the motorist that the railroad crosses the roadway on a skew, and to thereby alert him that extra care may be needed to ascertain whether trains are approaching. It shall utilize a track symbol at 45° left or right as appropriate.

The BLIND XING (W10-X2) Sign is intended for use to warn of sight obstructions at the crossing area calling for added vigilance on the part of the motorist.

The LOOK FOR TRAINS (W10-X3) Sign is intended for supplemental use to warn the motorist of his obligation to ascertain whether or not it is safe for him to proceed over the crossing. It could logically follow the Blind Xing sign for additional emphasis.

Appropriate advisory speed plates (W13-1) may be mounted beneath any Railroad Advance Warning Sign to indicate the safe vehicle approach speed to the crossing.



W10-X1
36" x 36"



W10-X2
36" x 36"



W10-X3
36" x 36"

(Black legend on yellow background)

(5) STOP Signs

The installation of "STOP" Signs at railroad crossings must be approved by the Commission and designated in the records of the Commission as a "STOP" crossing.

STOP Signs are for use on roadways where traffic is required to stop before crossing railroad tracks to ascertain whether it is safe to proceed across the track area.

The STOP Sign (R1-1) shall be reflectorized or illuminated to show the same shape and color both by day and night. The STOP Sign shall be an octagon with white message and border on a red background. The standard size shall be 30 inches by 30 inches. Where greater emphasis or visability is required, a larger size is recommended.

STOP Signs shall be designated by the Commission to be either crossbuck mounted or separately mounted substantially in accordance with Figure 2. Crossbuck mounted STOP Signs shall be the responsibility of the railroad.

Separately mounted STOP Signs shall be the responsibility of the road authority and located approximately three feet in advance of the crossbuck sign and in accordance with the Manual.

(c) Pavement Markings

Pavement markings in advance of a railroad crossing shall consist of an X; the letters, RR; a no-passing marking and certain transverse lines. They should be placed on all paved approaches to railroad crossings. These markings, if physically feasible, shall be placed at all grade crossings where railroad highway grade crossing signals or automatic gates are operating, and at all other crossings where the prevailing speed of highway traffic is 40 MPH or greater.

The markings shall also be placed at crossings where engineering studies indicate there is a significant potential conflict between vehicles and trains. At minor crossings or in urban areas, these markings may be omitted if engineering study indicates that other devices installed provide suitable protection. Such markings shall be white except for the no-passing markings.

The design of railroad crossing pavement markings shall be essentially as illustrated in Figure 3. The symbols and letters are elongated to allow for the low angle at which they are viewed.

The centerline may be extended across the track area.

At crossings where there are signals or gates, the stop line should be placed perpendicular to the roadway approximately 5 feet in advance of the signal or gate.

Pavement Markings are the responsibility of the road authority.

(d) Signals and Gates

(1) General

At railroad crossings where studies indicate the need of warning beyond that provided by signs, signals should be installed which indicate the approach or presence of trains. The signals may be supplemented by gates which extend across the lane or lanes of the approaching traffic while trains are approaching and occupying the crossing. Such signals shall comply with Figures 4, 5 and 6.

Future modifications, replacements, installations and maintenance of signals, gates and other warning devices of railroad crossings shall be made in compliance with:

Applicable parts of the Association of American Railroads (AAR) Signal Manual of Recommended Practice;

Association of American Railroads Bulletin No. 7 entitled "Railroad-Highway Grade Crossing Protection, Recommended Practices," published by the Communication and Signal Section or most recent revision to this Bulletin;

Applicable parts of the "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways" approved by the Commissioner, Minnesota Department of Highways;

except where modified and supplemented by the following rules and specifications, and except as modified by the Commission from time to time when, in their opinion, public interest and safety would thereby be best served.

Wherever control circuits or warning devices are altered, such alterations shall not continue the use of obsolete control circuits or warning devices which create an unsafe or hazardous condition.

The Department shall cooperate with interested parties for obtaining available public funds for railroad crossing signal installations, improvements or alterations.

(2) Application

A flashing-light signal is used to indicate the approach or presence of trains by means of two horizontal red lights flashing alternately at predetermined intervals.

A railroad-highway grade crossing gate (appearing to the driver as an arm being lowered or in a horizontal position) is an effective adjunct to the flashing light signal in indicating the approach or presence of trains. When used, the gate should extend over the traveled roadway a sufficient distance to cover the lanes used by traffic approaching the crossing.

Signals and signs or signals, signs and gates of the type described herein may be installed at railroad crossings as a warning of the approach of trains. These exact assemblies of devices shall be used for no other purpose.

(3) Operation and Controls

On tracks where trains operate at a speed of 20 miles per hour or higher, the signals shall operate for not less than 20 seconds before the arrival of any train. For trains operating less than 20 miles per hour, the signals shall operate in advance of train movements over the crossing a sufficient time to give adequate warning to highway traffic when considering such conditions as highway speed and volume of highway traffic.

Where the distance from the most remote signal to the clearance on the highway for the farthest track on which trains operate at a speed of 30 miles per hour or higher, as measured parallel to the center line of the

highway, is more than 35 feet, the 20 seconds time should be increased 1 second for each additional 10 feet of travel as consideration for slow moving highway vehicles which use the crossing to clear the farthest track.

Signals shall operate whenever any part of a train occupies the crossing.

Signals and devices are to be designed so that they will operate only when it is intended to indicate impending danger at the crossing, such as an approaching train, and they will operate for such a period of time before arrival of any train operated over the crossing as is required above.

Controls, including electric, electronic and mechanical methods, shall be in accordance with AAR Signal Manual Part 34, insofar as it applies, and as far as practicable shall be so designed that in the event of failure of any part, the operation required of the signals and devices will be provided.

Where means are provided to suspend operation of the warning devices during intervals when trains make regular operating stops or perform switching operations on approach circuits:

Controls shall be so designed as to provide operation of warning devices before a train reaches the crossing.

Automatic control of warning devices actuated by approaching trains other than the train that has stopped or is performing switching operations, shall take precedence over any feature provided to suspend operation.

Where manual supervisory control of warning devices is provided in addition to automatic controls:

Automatic control actuated by approaching trains other than that for which manual control has been made effective shall take precedence over the manual control.

Means shall be provided to restore the controls to automatic operation.

Means shall be provided to prevent manual operation by unauthorized persons.

All tracks over the crossing shall be provided with track circuits, unless otherwise approved.

Where train speeds on a given track vary considerably under normal operation and volume of railroad and highway traffic warrants, special devices or circuits should be installed to provide reasonably consistent warning time for all movements. Under similar traffic volume conditions special control features should be used to eliminate the effects of station stops and switching operations within approach control circuits.

The control system for active warning devices at railroad crossings within automatic block signal territory shall be checked to determine, to the extent practical, if unsafe conditions have developed in the control system prior to the approach of a train to the crossing. If such unsafe condition can be detected, it shall be reflected in the automatic block signal system through the display of an aspect by the appropriate block signal requiring train movement over the crossing at restricted speed.

Wraparound or equivalent circuits may be required with motion sensitive control equipment.

(4) Electric Light Units

Electric light units shall be in accordance with AAR Signal Manual Part 166, and shall be arranged to provide indication for approaching traffic as required. They shall be mounted horizontally at 2-ft. 6-in. centers and preferably not less than 7-ft. 6-in. nor more than 9-ft. 6-in. above the surface of the highway.

Lamp units shall be hooded to shade them from the sun but not shielded at the sides to impair close-in indication, and shall have dull black backgrounds 20 inches in diameter.

Alignment of highway crossing signal reflector type light units shall be accomplished by the railroad in accordance with the recommended practice set forth by AAR Manual Part 268 of most recent revision.

Light units shall flash alternately. The number of flasher per minute for each incandescent type lamp shall be 35 minimum, 55 maximum.

Lamps shall be illuminated approximately the same length of time. Total time of illumination of each pair of lamps shall be practically the entire operating time.

Each electric light unit, when equipped with a roundel designed for 30-deg horizontal spread, shall provide an indication having a beam candlepower of uniform intensity at any angle up to 10-deg on either side of the axis and the range at any point within the 20-deg angle under bright sunlight conditions, with the sun at or near the zenith, shall be not less than 1500-ft.

Electric light units shall display a satisfactory indication at close range.

(5) Bells

Bell, when used, should sound a warning during the time the signal lights are operating, except it may be silenced when head end of train reaches the crossing, or when the gate has descended to within 10 degrees of horizontal.

Bell, when used, shall be in accordance with AAR Signal Manual Part 21, and mounted with the face of the gong parallel to the highway.

(6) Location

In the placement of signals, primary consideration shall be given to ensuring the proper visibility of signal faces. However, in the interest of safety, signals and controller cabinets should be placed as far as practicable from the edge of the traveled way without adversely affecting signal visibility.

Signals shall be located to the right of the highway not less than 2 feet clear from the face of vertical curb or, where there is no curb, not less than 2 feet clear from the edge of the shoulder, and not less than 12 feet from the center line of the nearest track in substantial accordance with Figures 7 and 8.

Additional light units or an additional signal may be used if it is determined to be impractical to warn all highway traffic approaching the crossing from one direction with a single signal. On divided roadways, additional signals may be located to the left of the roadway not less than 2 feet clear of curb or edge of shoulder and not less than 12 feet from the center line of the nearest track.

Where local conditions require, gate arms may be placed at other than right angles to the highway.

At locations where the roadway speed is 40 miles per hour or greater, controller cabinets shall be located 30 feet clear of the edge of nearest traffic lane unless otherwise approved by the Department.

No part of a base for a signal support should extend more than 4 inches above the ground level at any point.

On medians, the above minimum clearances for signal supports should be obtained where practicable. Any supports which cannot be located with the required clearances should be of the breakaway type or should be guarded if at all practicable.

(7) Guard Rails

Where local conditions will permit, a lateral escape route to the right of the highway in advance of the crossing protection signal should be kept free of guard rail or other above-ground obstructions. Placement of the guard rails is the responsibility of the highway authorities. Where guard rail is not deemed necessary nor appropriate by highway authorities, rigid non-yielding type barriers are not to be used for protecting signal supports. In industrial and other areas involving only low-speed highway traffic and where signals are susceptible to being struck by turning truck traffic such as in terminal areas, alleys, warehouse areas, etc., ring-type guard rail may be installed to provide protection for the signal assembly.

(8) Gate Aspects

An automatic gate, when installed, shall serve as an adjunct to a highway crossing signal of the flashing-light type and, when indicating the approach of a train, shall present toward approaching highway traffic the aspect of an arm equipped with red lights either being lowered or at rest in the horizontal position across the lane or lanes used by traffic approaching the crossing. (See Figure 6).

(9) Gate Arm

Each gate arm shall be equipped with not less than three red lamps arranged to shine in both directions along the highway. The gate arm, when in the raised position, shall not obstruct or interfere with highway traffic.

The gate arms shall be striped on both sides with 16 inch alternate diagonal reflectorized stripes of red and white.

The bottom of the gate arms when in the horizontal position shall not be less than 3 feet 6 inches nor more than 4 feet 6 inches above the crown of the roadway.

(10) Gate Operation and Controls

The gate arms shall operate uniformly, smoothly and complete all movements without rebound or slap, and be securely held when in the raised position.

Gate arm lights shall operate in conjunction with the railroad crossing signal at all times when the gate is in position to obstruct highway traffic. The light nearest the tip of arm shall burn steadily and two lights shall flash alternately in unison with the lights on the signal.

The design of the gate operating mechanism shall, so far as practicable, be such as to insure proper operation during unfavorable weather conditions, and if out of order, the gate arm shall assume the horizontal position across the roadway.

Circuits shall be so arranged that a failure of the gate mechanism to operate as intended will not prevent the lights on the gate arm and signal from operating on the approach of a train.

At crossings where traffic volumes are moderate to high or where alternate routes and railroad crossings are not readily available, manual controls may be required to enable personnel designated by the railroad to raise the crossing gates in the event of a control system malfunction such that the gates are caused to obstruct traffic under conditions other than the approach and movement of a train over the crossing.

The gate mechanism shall be so designed that if the arms while being lowered strike or foul an object, they will readily stop, and on removal of the obstruction shall assume the position corresponding with the control apparatus.

Gate arm shall start its downward motion not less than 3 seconds after the signal lights start to operate.

Gate arm shall reach the horizontal position before arrival of any train and shall remain in that position as long as any part of the train occupies the crossing.

(11) Traffic Signals Near Railroad Crossings

When a railroad crossing, protected by signals, is within or near an intersection controlled by a traffic control signal, the control of the traffic signal should be preempted from the signal controller upon approach of trains to avoid conflicting aspects of the traffic signal and the train-approach signal. This preemption feature requires a closed electrical circuit between the control relay of the train-approach signals and the preemptor in order to establish and maintain the preempted condition during the time that the train-approach signals are in operation. Except under unusual circumstances, the interconnection should be limited to the traffic signals within 200 feet of the crossing.

Traffic control signals shall not be used on mainline railroad crossings in lieu of railroad crossing warning devices. However, at industrial track crossings and other places where train movements are very slow (as in switching operations), traffic control signals may be used in lieu of conventional train-approach signals to warn motorists of the approach or presence of a train. The provisions of this part relating to traffic signal design, installation and operation are applicable as appropriate where traffic control signals are so used.

At railroad crossings where train movements are regulated or limited to the extent that train-approach signals are not required, preemption of the adjacent signalized intersections may be desirable to permit non-conflicting highway traffic to proceed during the time the crossing is blocked by a train. Except under unusual circumstances, the interconnection should be limited to the traffic signals within 200 feet of the crossing.

The preemption sequence initiated when the train first enters the approach circuit, shall at once bring into effect a signal display which will permit all vehicles to clear the tracks before the train reaches the intersection or any approach thereto.

When the green indication is preempted by train operation, a yellow change interval must be inserted in the signal sequence in the interest of safety and consistency. To avoid misinterpretation during the time that the clear-out signals are green, consideration should be given to the use of 12 inch red lenses in the signals which govern movement over the tracks.

After the track clearance phase, the traffic control signal may be operated to permit vehicle movements that do not cross the tracks, but in all cases

shall prohibit movements over the tracks. (For interpretation, see Figure 13).

Where feasible the location and the normal (no trains involved) phasing and timing of traffic control signals near railroad grade crossings should be designed so that vehicles are not required to stop on the tracks even though in some cases this will increase the waiting time. The exact nature of the display and the location of the signals to accomplish this will depend on the physical relationship of the tracks to the intersection area.

When the train clears the crossing it is necessary to return the signal to a designated phase, normally the traffic movement crossing the tracks.

(12) Maintenance

Maintenance and operation of railroad crossing signals and gates are the responsibility of the operating railroad or owner of the trackage. Signals and gates shall be regularly and periodically inspected for proper operation, shall be kept well painted and in a serviceable condition at all times. The surfaces of lenses, reflectors, bulbs and gate arm lights shall be kept free from such deposits as dust or other materials that will seriously affect their efficiency.

(13) Plan Approval

All modifications, replacements and installations of signals, gates and other warning devices at railroad crossings must be made in accordance with plans approved by the Department.

The following information shall be furnished:

Exact location of railroad crossing in terms of railroad company stationing or distance from nearest mile post and Federal Crossing number (when available).

Proper name of the road crossing and the railroad including county, state or federal highway designations.

City where crossing is located or is nearest to the crossing.

Listing of all plans, special instructions, data forms, informational reports and documents transmitted with the application.

Reasons for making any changes in existing control systems for warning devices.

Three complete sets of plans.

Typical wiring diagram of motor operated warning signals or crossing gates shall be provided or referred to if on file.

All changes of existing facilities and control systems shall be clearly indentified on plans by color code or other suitable means. Where plans reflect only new work, they need not be colored or otherwise coded.

Upon request, any information necessary to completely analyze the control system.

Plans submitted for approval must be complete with respect to the control system for each railroad crossing involved. Where block signal systems are involved, any block signal controls incorporated in the railroad crossing control system must be shown to the extent applicable.

All electronic equipment must be adequately defined by numerical or other designation supplied by the manufacturer so that complete

functional and performance characteristics of the control system can be accurately determined and evaluated. Name of manufacturer must be stated.

Frequency of audio frequency track circuits and other audio frequency equipment must be shown on the plans.

Where electronic control equipment consisting of a self-contained unit arranged for incorporation within the control system for railroad crossing warning devices is employed and identified only by a box symbol with identifiable terminals within the control circuit diagram, adequate information shall be provided to enable accurate determination of all circuits within the self-contained unit. If such complex circuits are published by the manufacturer of such equipment as a coherent control system, reference to type, model or other identifying means will be sufficient. If such is not published by the manufacturer as a complete and coherent system, the railroad should provide copies of all circuits to be employed and a block diagram or other means of determining how they will be related. Name of the manufacturer must be stated.

Special symbols or nomenclature used only by the railroad (not found in published standards of the Association of American Railroads, manufacturers of signal equipment or other generally recognized sources of information in the railway signal industry) shall be defined on the plans.

The length of approach track sections shall be shown on the plan.

The length of island track circuit shall be shown on plan.

The method of calculation employed by the railroad in determining the anticipated warning time for a train approaching the crossing at average maximum authorized speed shall be stated. System reaction time, over-speed tolerance (if any) and any other factors considered shall be stated.

Ampere hour capacity of battery shall be stated on plan.

Supplementary supporting information should be provided where necessary to clarify and support special design features of the control system or warning devices and may consist (but not be limited to) the following:

Daily traffic volume and peak traffic density of motor vehicles over the crossing if available from road authority.

Daily traffic volume and peak traffic density of train movements over the crossing.

Special operating instructions which apply to the warning devices at the crossing or indirectly affect them.

General operating rules effective in the design of the control system for the railroad crossing warning devices.

Where the control system for highway intersection traffic control signals is to be interconnected with the control system for railroad crossing warning signals, a plan showing how the electrical interconnection will be made with the railroad control system, a sequence chart approved by the railroad, state and local authorities concerned, showing all operating sequences possible for the traffic control signals and a dimensioned or scale plan drawing showing the

location of the traffic control signals at the street intersection and the railroad crossing signals at the railroad crossing shall be provided. The road authority shall furnish the traffic signal plans and the railroad shall furnish the railroad signal plans. Plan submittals should be coordinated.

(14) Operating License

Upon installation or modification of a signal system and inspection and approval by the Department, an operating license will be issued by the Department to the operating railroad in substantial accordance with Figure 9.

(e) Watchman

At crossings where an employee of a railroad is stationed for the purpose of warning highway traffic of impending danger the following rules shall apply:

The watchman shall wear a standard orange vest, front and back, and orange hat. For nighttime conditions, similar outside garments shall be reflectorized;

The watchman shall use a standard red and white reflectorized STOP sign, size 24 inches whenever practical;

The watchman may use a red light shown toward highway traffic during the hours of darkness or when weather conditions require.

Watchmen shall direct highway traffic only when they intend to indicate impending danger at the crossing, such as an approaching train or the occupation of a crossing by a train, cars or engines.

A red light may be used, only, to indicate impending danger at the crossing, or train approaching and when a stop for all classes of highway traffic is

required. The "Stop" Sign may only be used where and when a stop for all classes of highway traffic is actually intended at the crossing.

No railroad shall discontinue, or substantially change the time of duty, of any regularly employed watchman without applying to the Department, showing adequate public safety and receiving approval of the Commission.

(f) Flagged Crossing

When so designated by the Commission or the railroads as a flagged crossing, all train movements over the crossing shall be preceded by a member of the train crew and further in accordance with the general or special operating rules of the railroad.

(g) New Railroad Crossings

All new railroad crossings must be approved by the Commission after first making application to the Department. Applications for new public roadways across existing railroads shall be made by the road authority that will have jurisdiction of the roadway.

Applications for new railroad tracks across existing public roadways shall be made by the owner or operating railroad, or in the case of spur tracks owned by a customer, either by the railroad or the customer.

Applications should be accompanied by relevant documents, data and material necessary to show public interest and safety such as: railroad company, road authority, general and specific location, maps, plans, schedule of construction, details of construction, proposed use by applicant, expected or current traffic volumes and speeds and train frequency and speeds, available sight distance, suggested warning, and alternates.

Modifications and minor relocations of existing crossings do not require Commission approval.

PSC 222 Bridges

(a) Plan Approval

All plans for new or reconstructed bridges carrying public ways over or under railroads must be approved by the Department as to legal clearances in accordance with Figure 10. Variances from legal clearances must be approved by the Commission after first making application to the Department and hearing thereon.

(b) Walkways on Railroad Bridges

All new or reconstructed bridges carrying railroads shall have walkways and handrails on both sides conforming to legal clearances. Variances from legal clearances must be approved by the Commission after first making application to the Department.

PSC 223 Clearances

Legal clearances adjacent, over and between railroad tracks are defined in Minnesota Statutes Section 219.45 to 219.53 and by general order of the Commission (M.S.A. 219.46 Subd. 7) and are depicted in Figure 10. Variances from legal clearances must be approved by the Commission after first making application to the Department and hearing thereon showing that such variance would not create a condition unduly hazardous. When considering a variance, the Department may require the installation of the signs shown in Figure 11 or restrict trainmen operation by use of signs shown in Figure 12, and such other requirements as, in their opinion, would be in the interests of safety.

PSC 224 Railroad Accident Reports

(a) General

Every railroad shall furnish, as directed by the Department, a report of accidents, wrecks and casualties in the manner and form prescribed. All reports shall be open to public inspection but shall not be admissable in evidence in any suit or action for damages, growing out of such accident,

wreck or casualty. Upon reasonable notice, reports are available for inspection at Railway Negotiation Section, Minnesota Department of Highways, St. Paul, Minnesota 55155.

Definition and terms shall refer to U.S. Department of Transportation, Federal Railroad Administration (FRA) latest rules and regulations relating to Railroad Accidents, Reports and Classification. The aforementioned rules and regulations shall apply except where modified herein.

(b) Railroad Accidents

Except for railroad crossing accidents, railroads shall furnish to the Department, copies of all reportable accidents in the form, style and schedule as may be required by the Federal Railroad Administration.

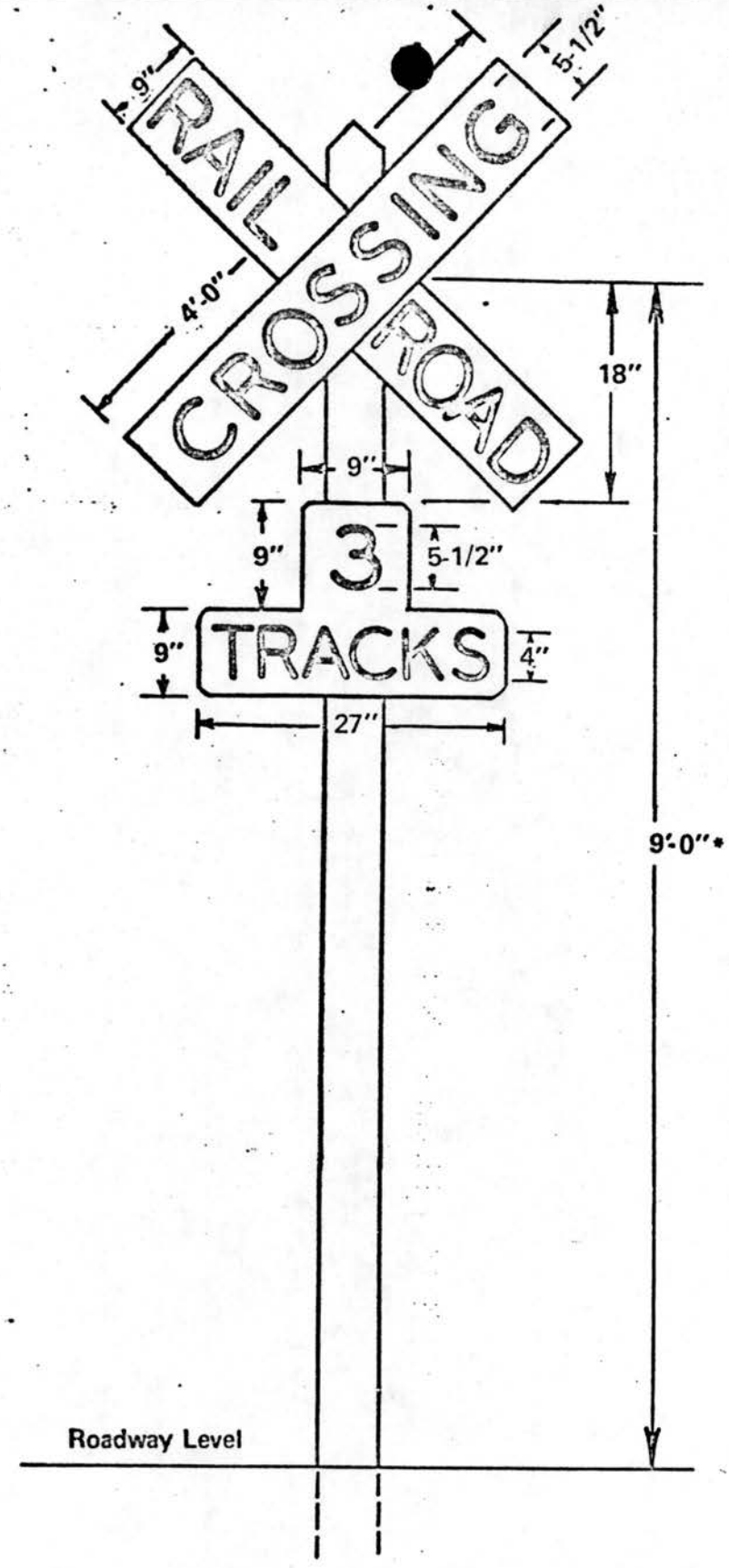
(c) Railroad Crossing Accidents

All train and train service accidents, regardless of extent of damage, due to a railroad crossing shall be reported as directed by the Department, within 10 days of such accident, on forms furnished by the Department.

PSC 225 Track Safety Standards

U.S. Department of Transportation, Federal Railroad Administration, Office of Safety "Track Safety Standard" of latest revision shall apply to all railroad trackage and be the standard for determination of unsafe trackage.

PSC 226-245 Reserved for Future Use



Railroad Crossbuck Sign:
Black letters on reflectorized white background.

Multiple Track Sign:
Black letters on reflectorized white background, to be used when sign assembly warns of more than one track.

*Height may be varied as required by local conditions.

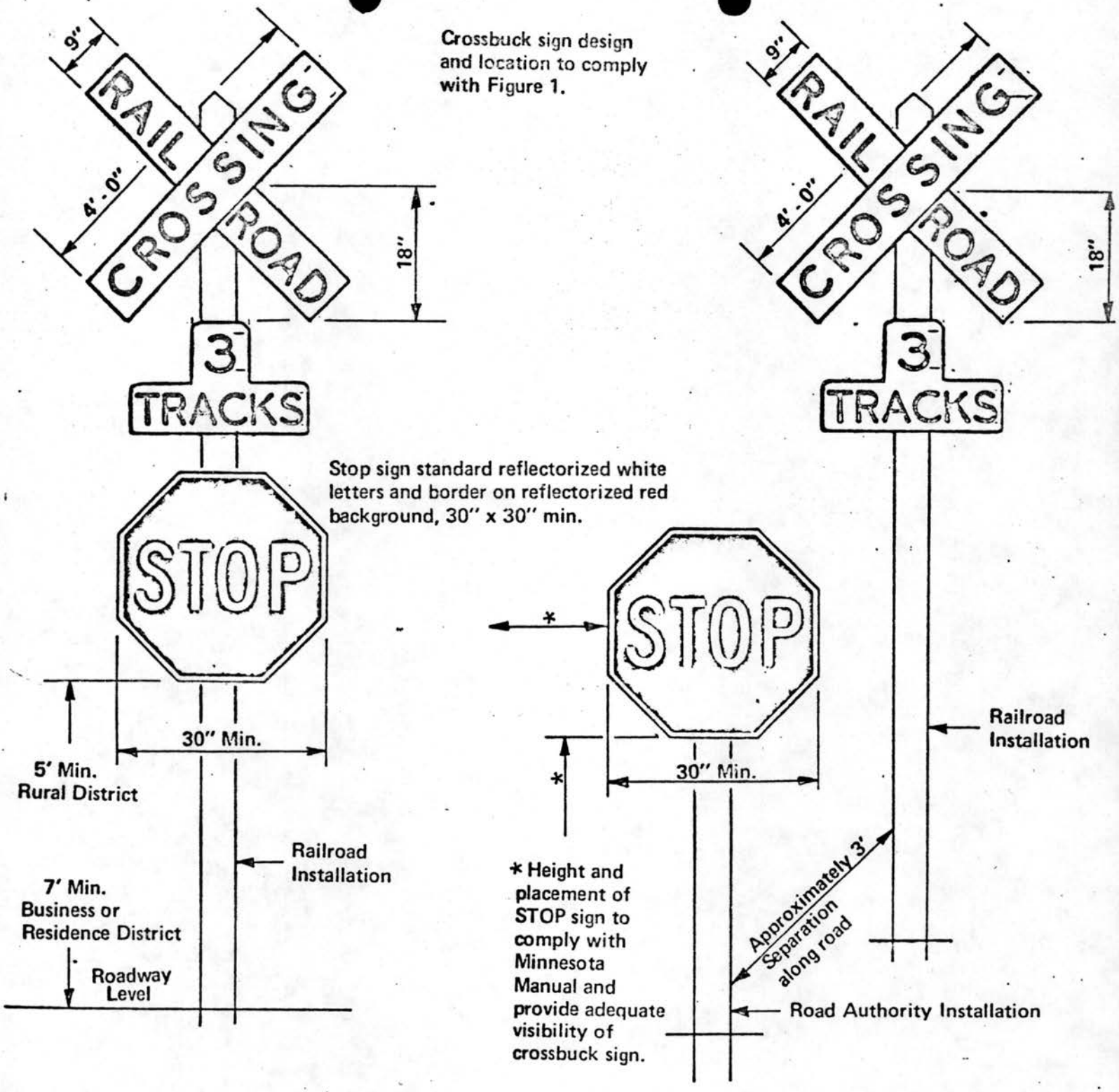
Post to be wood or other yielding design.

Crossbuck assembly to be located to right of road not less than two feet clear of curb or edge of shoulder (not less than 10 feet from edge of lane) and not less than 12 feet from center line of near track.

RAILROAD CROSSBUCK SIGN

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

Figure 1



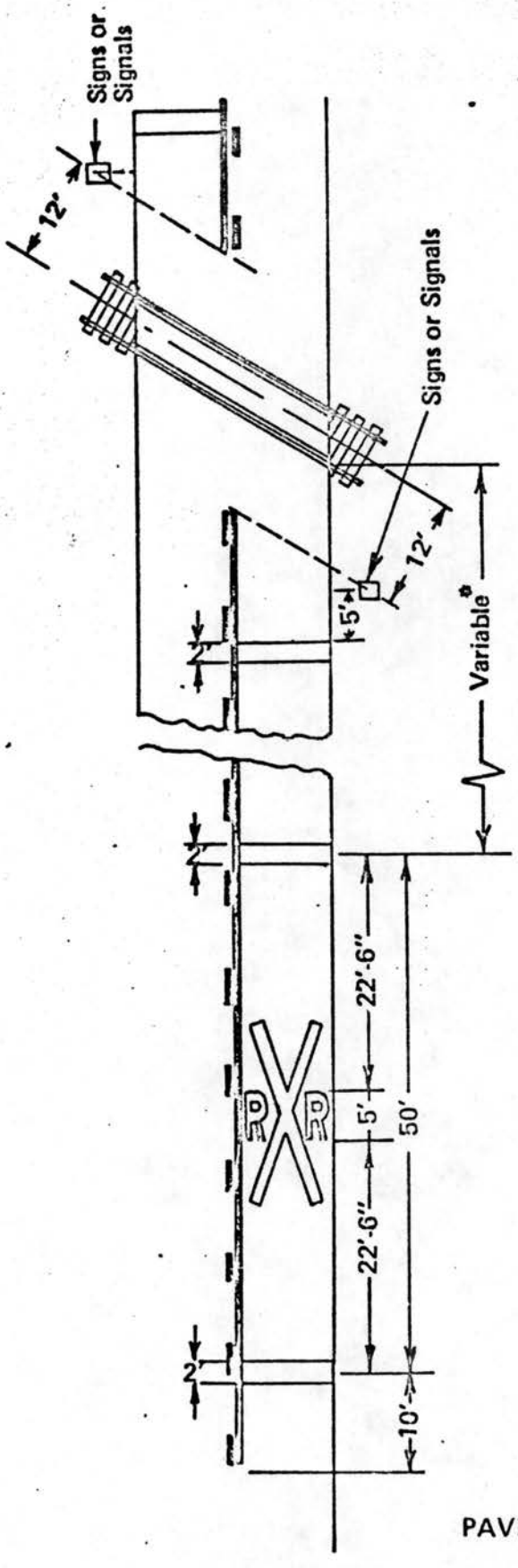
STOP SIGNS AT RAILROAD CROSSINGS

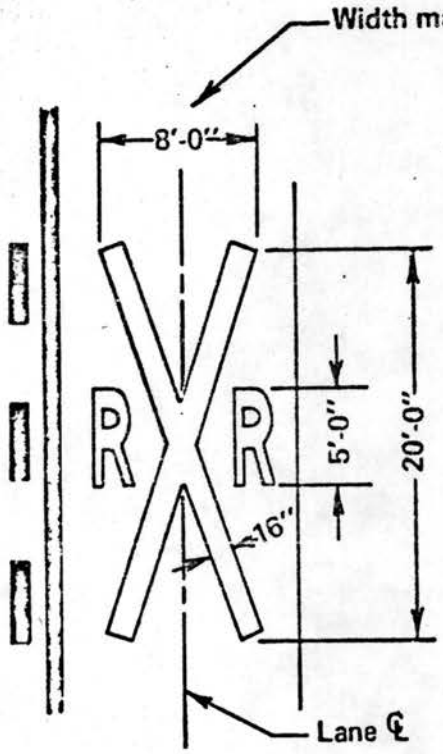
MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
Figure 2

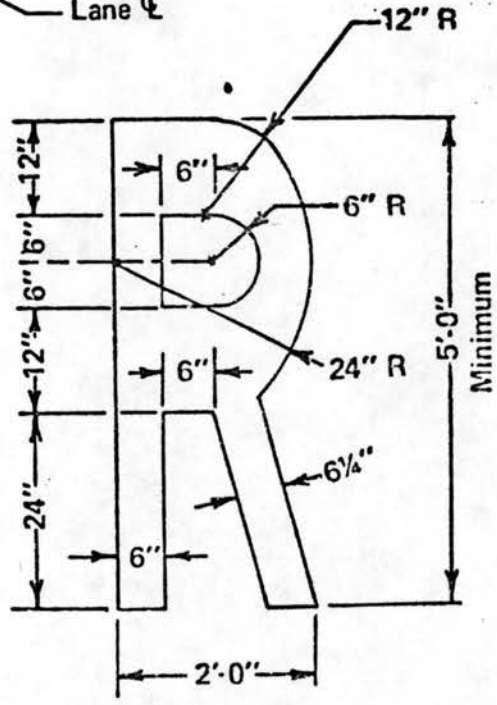
*The distance from the railroad crossing marking to the nearest track will vary according to the approach speed and sight distance of the vehicular traffic approaching, but probably should not be less than 50 feet.

On multi-lane roads the transverse bands should extend across all approach lanes, and individual R X R symbols should be used in each approach lane.

Stop line may be parallel to and 15 feet from the tracks where there are railroad cross buck signs.



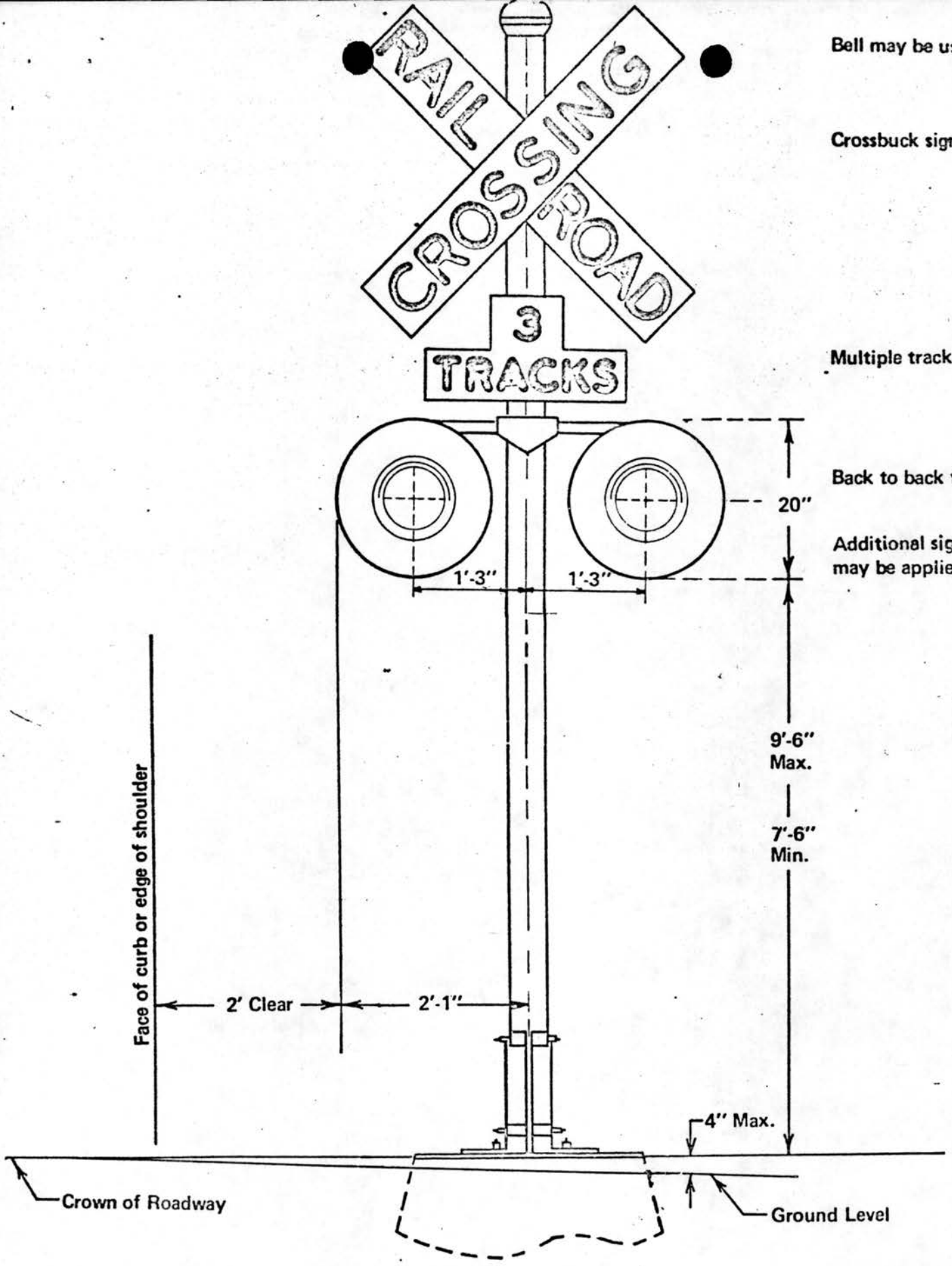




PAVEMENT MARKINGS

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

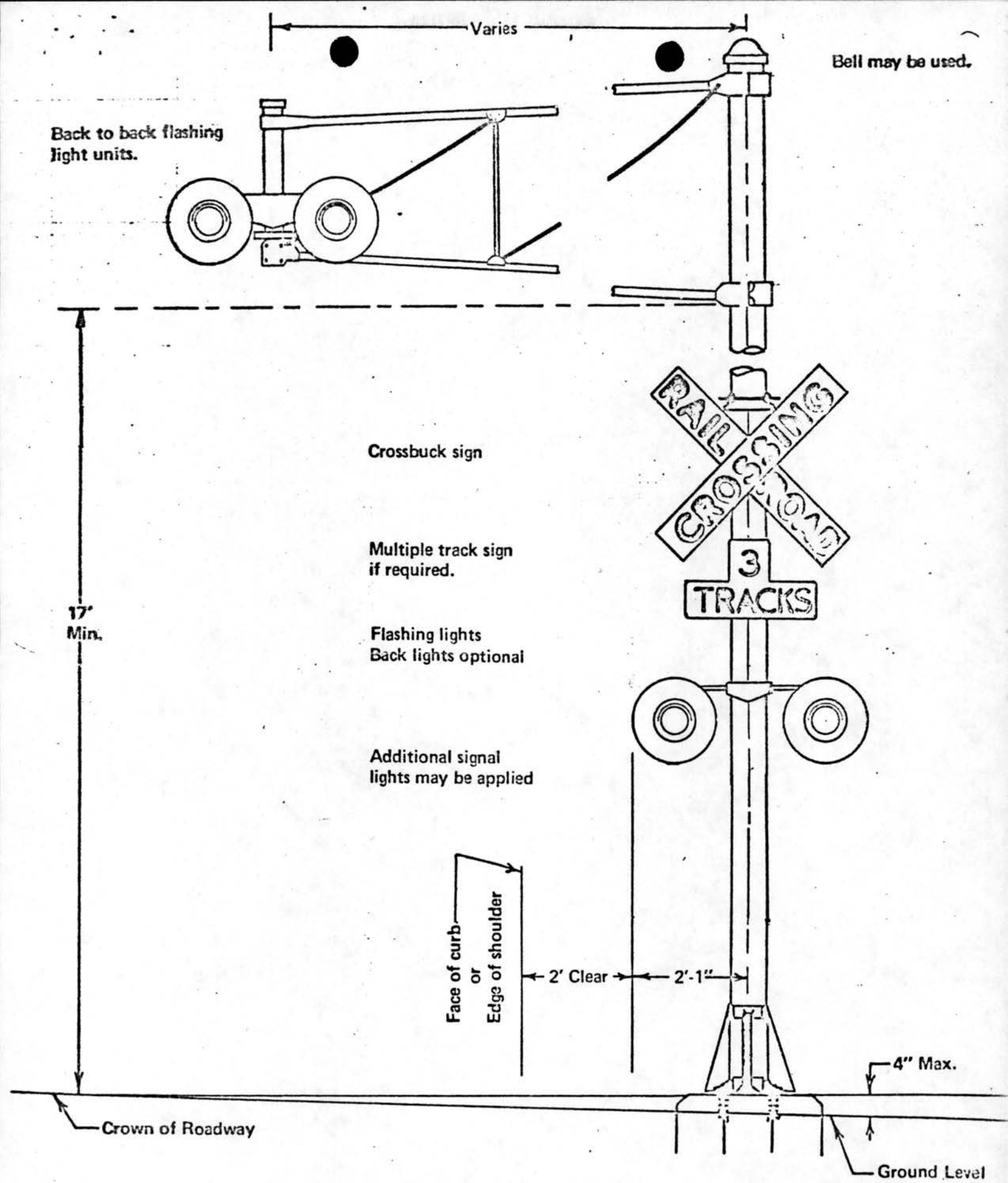
Figure 3



RAILROAD CROSSING SIGNAL

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

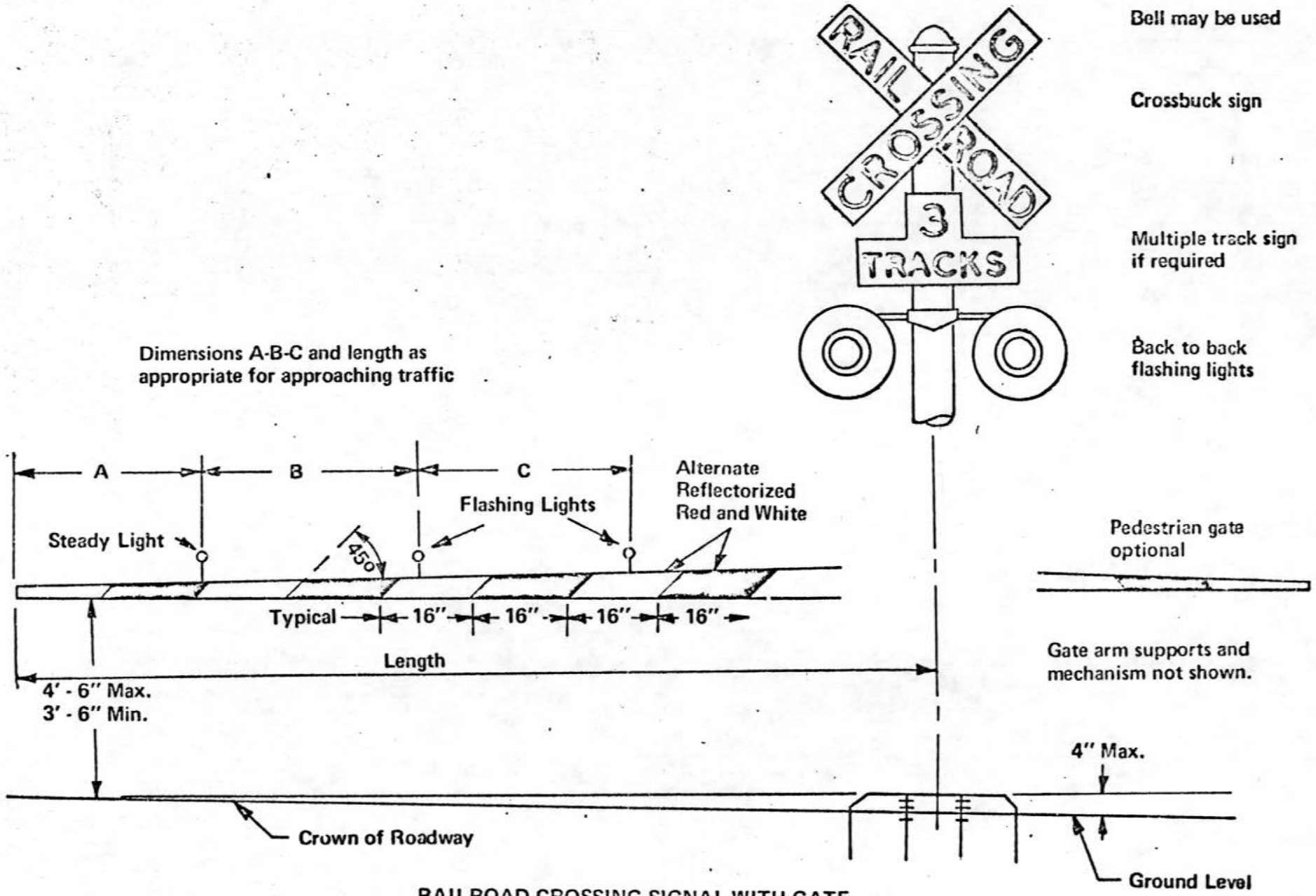
Figure 4



RAILROAD CROSSING SIGNAL
CANTILEVER TYPE

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

Figure 5



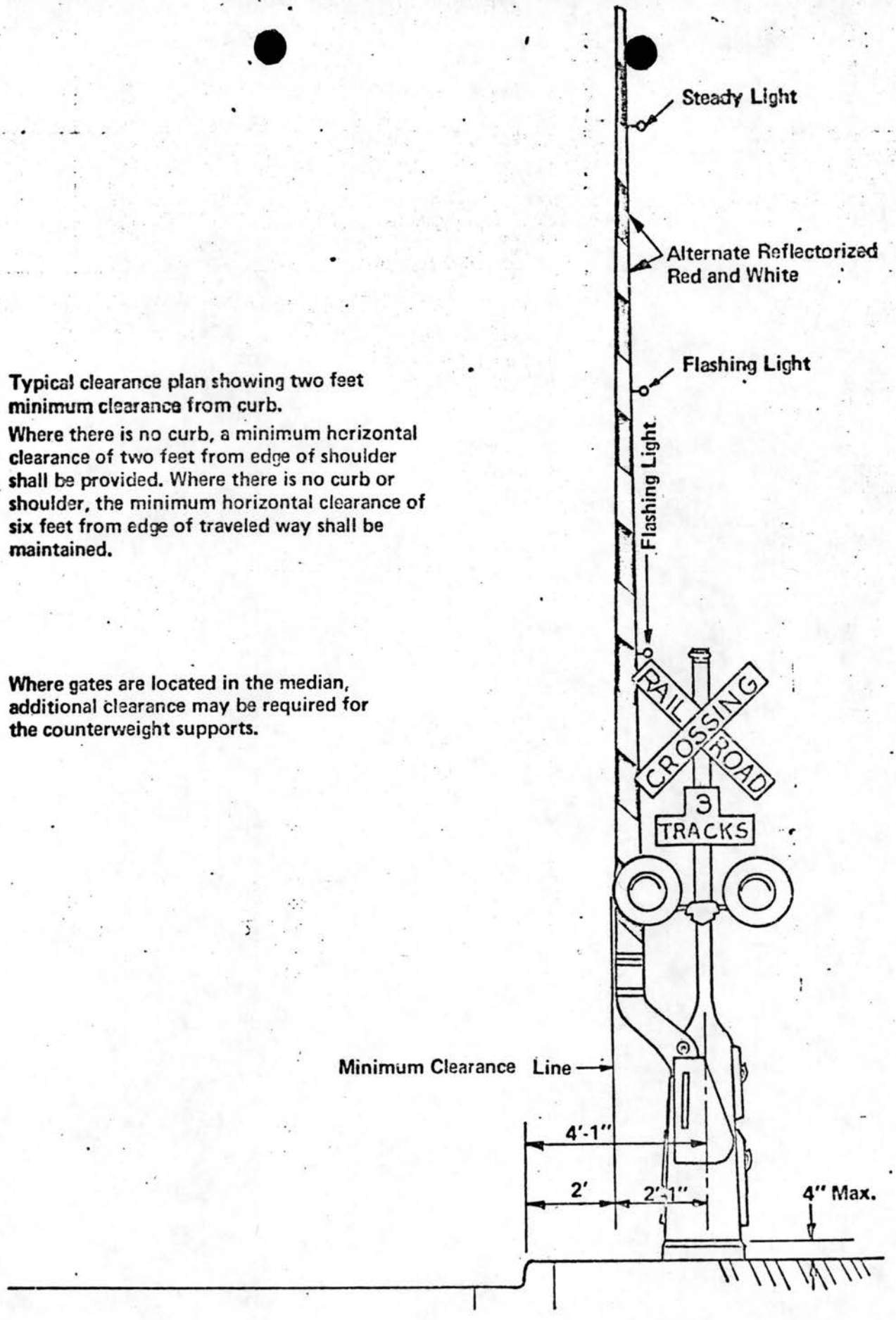
RAILROAD CROSSING SIGNAL WITH GATE

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
Figure 6

Typical clearance plan showing two feet minimum clearance from curb.

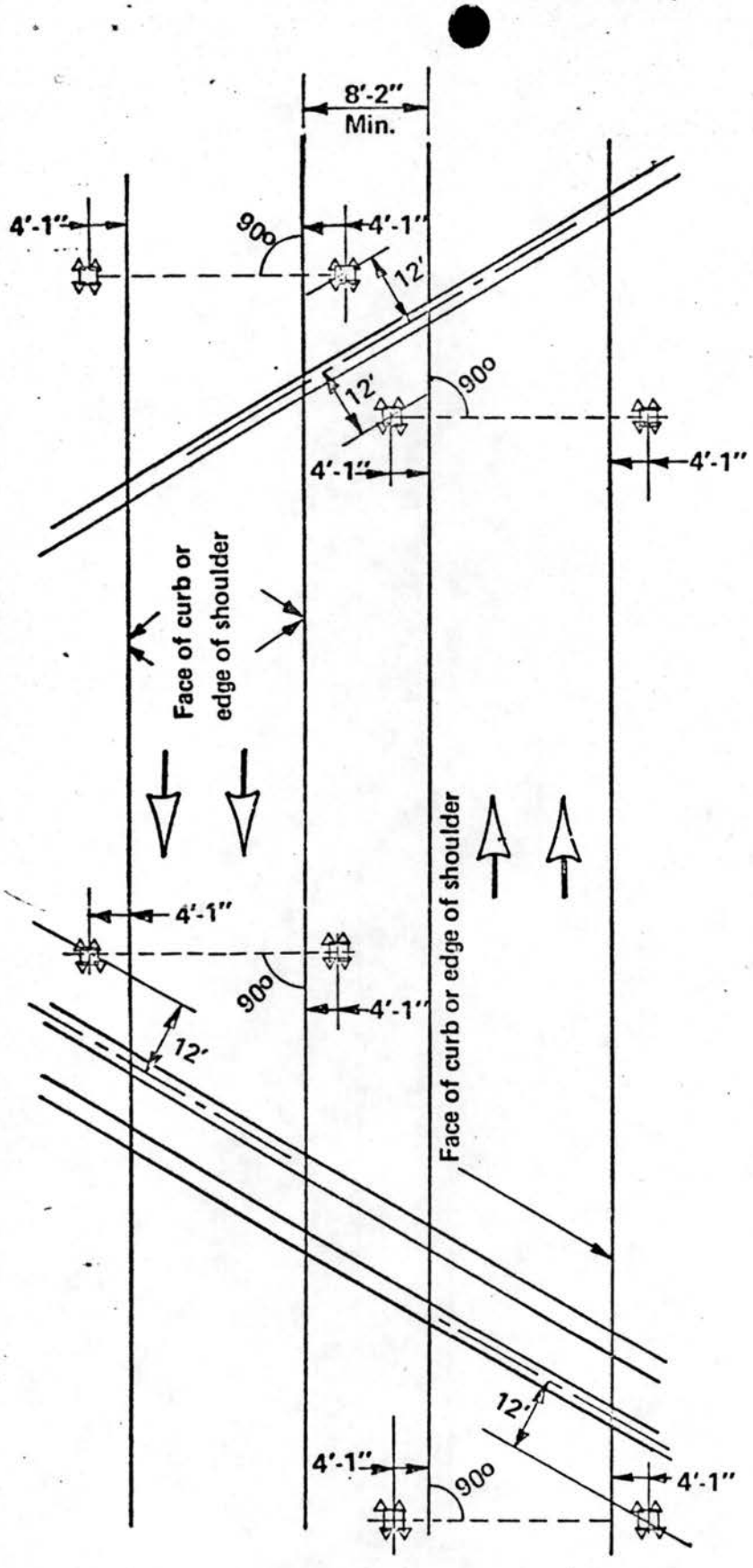
Where there is no curb, a minimum horizontal clearance of two feet from edge of shoulder shall be provided. Where there is no curb or shoulder, the minimum horizontal clearance of six feet from edge of traveled way shall be maintained.

Where gates are located in the median, additional clearance may be required for the counterweight supports.

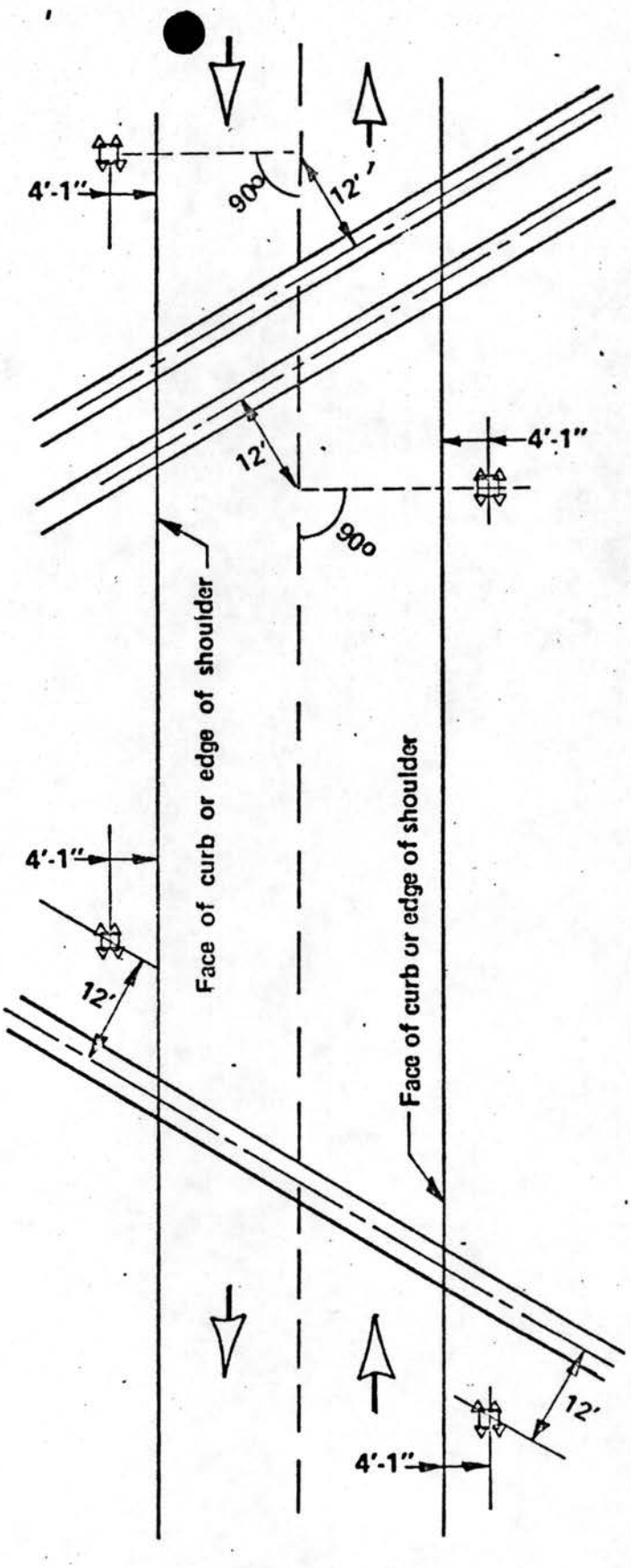


TYPICAL LOCATION PLAN FOR RAILROAD CROSSING SIGNALS WITH OR WITHOUT GATE

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
Figure 7



Divided Roadway



Two-Way Roadway

STANDARD RAILROAD CROSSING SIGNAL LOCATIONS

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

Figure 8

DEPARTMENT OF PUBLIC SERVICE

STATE OF MINNESOTA

(LOCATION)

OPERATING LICENSE

The aforementioned warning signal system of the approved

and alternating flashing light type, with its various parts and appliances, having been duly inspected and examined by the Department of Public Service of the State of Minnesota, on (DATE) , as provided by law, and having been found sufficient for the purpose of such a signal system, a plan of which is filed in this office;

NOW, THEREFORE, the aforesaid signal system is hereby approved in manner and form as described and shown upon the plan thereof now on file in the Office of the Department, and this license shall authorize the abovementioned Railway Company to operate the said signal system until further order of this Department, subject, however, to the following conditions, to-wit:

FIRST: That the aforesaid Railway Company shall not operate its trains over the crossing without providing a warning time for the railroad crossing signals as required by PSC rule 221 (d) (3) and shall not operate its trains over the approach circuits of this signal system at a rate of speed in excess of (MAXIMUM TRAIN SPEED)

SECOND: The aforesaid Railway Company shall cause said signal system to be frequently inspected and properly maintained and shall provide for its continuous efficient operation so long as it is in use under this license.

THIRD: When notified of failure of the aforesaid warning signal system to function properly, means shall be provided to furnish adequate warning for each train movement at said crossing until the signal system is again restored to normal operation.

FOURTH: No change shall be made in said signal system, or any of its parts, nor in the manner of operating the same, without the approval of the Department.

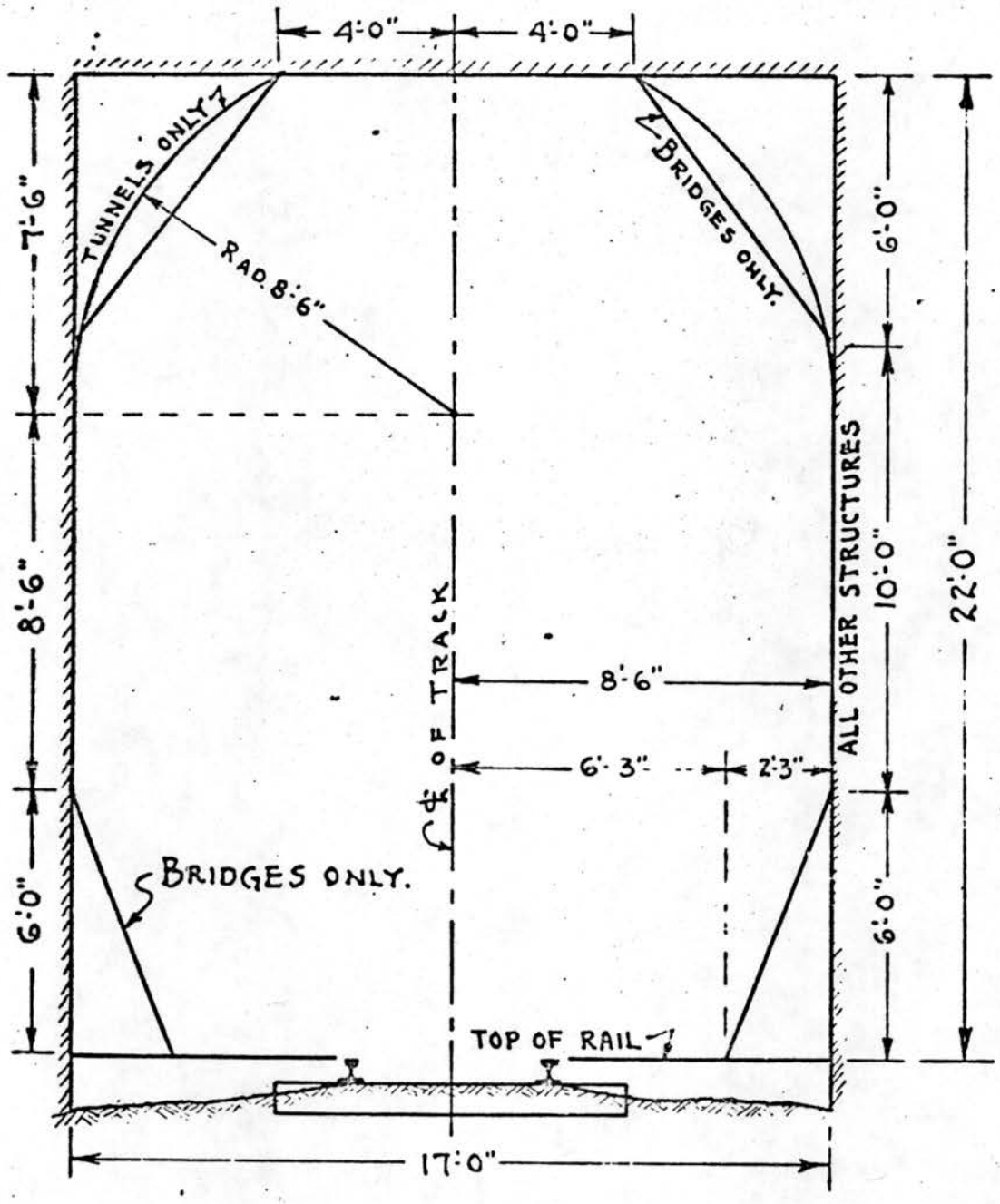
FIFTH: (Additional restrictions, if necessary)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

Dated at St. Paul, Minnesota

Engineer of Railway Negotiations

FIGURE 9

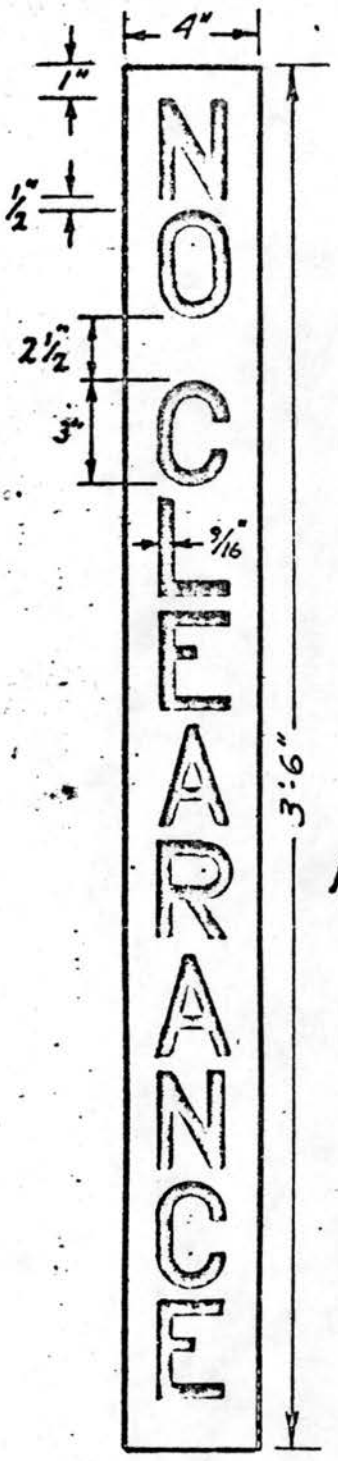


MINNESOTA
PUBLIC SERVICE COMMISSION

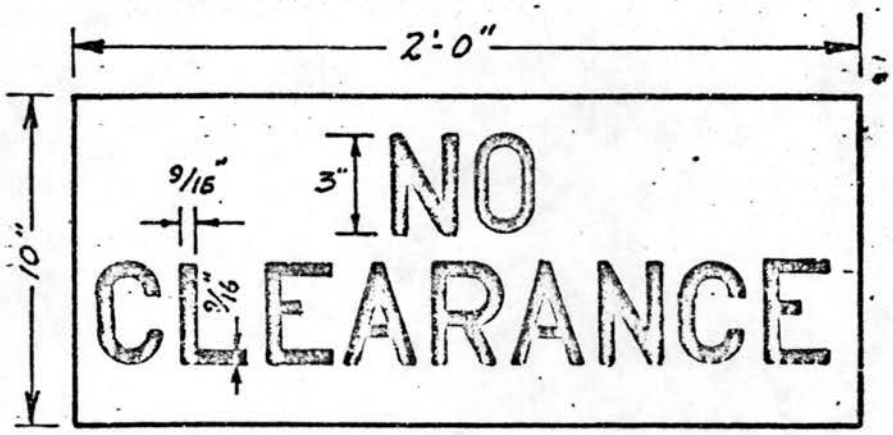
CLEARANCE DIAGRAM
STRUCTURES, BRIDGES & TUNNELS

ST. PAUL, MINN.
NOV. 17, 1944

FIGURE 10



STANDARD VERTICAL
NO CLEARANCE SIGN



STANDARD HORIZONTAL
NO CLEARANCE SIGN

NOTE: Black letters on white background
Letters 3" high 9/16" stroke.

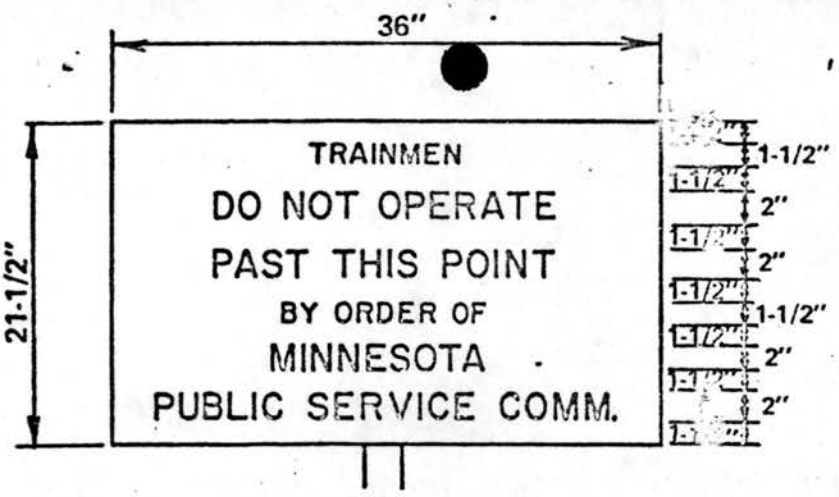
MINNESOTA
PUBLIC SERVICE COMMISSION

STANDARD VERTICAL & HORIZONTAL NO CLEARANCE SIGNS

ADOPTED
MARCH 31, 1939
REV. SEPT. 22, 1967

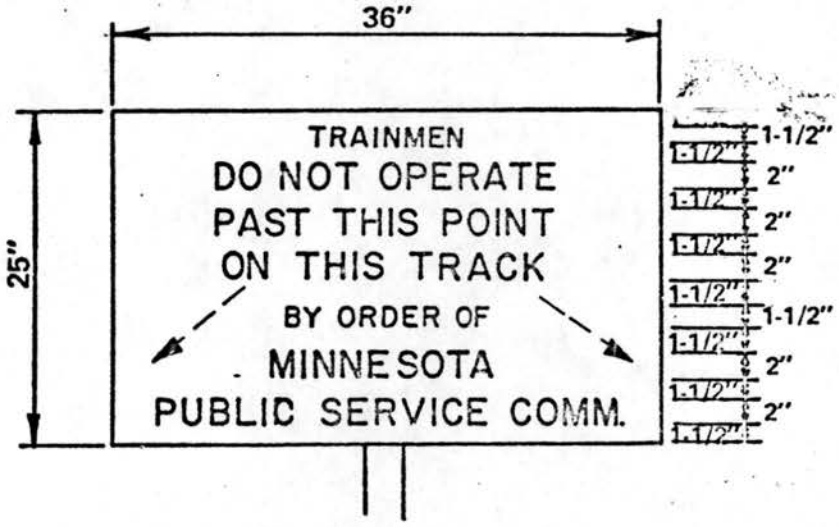
File: G-43-f

FIGURE 11



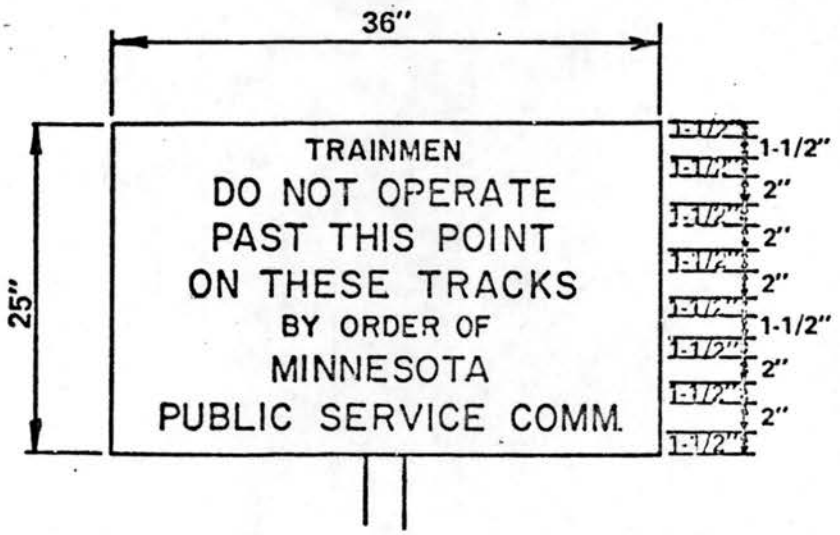
Type C-1

Warning Signs:
Black letters, 1-1/2" and 2"
with 1/4" stroke, on white background



Type C-2

Note: Arrow to be placed on left or right side of the sign depending on track involved.



Type C-3

Warning signs to be placed at point along tracks beyond which trainmen are not to operate. No such sign shall be placed at any point along side or over any track without authority of the Minnesota Public Service Commission.

WARNING SIGN FOR TRAINMEN

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
Figure 12

Excerpt from

MANUAL ON

UNIFORM TRAFFIC CONTROL DEVICES

FOR STREETS AND HIGHWAYS

1971

OFFICIAL RULINGS ON REQUESTS FOR INTERPRETATIONS, CHANGES AND EXPERIMENTATIONS, VOLUME IV-OCTOBER 1973

U.S. Department of Transportation, Federal Highway Administration

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Sg-18 (Intr.) - Association of American Railroads Request Interpretation of Section 4B-21 Related to the Use of Flashing Operation at Grade Crossings

---

The Association of American Railroads requested an interpretation of the meaning of the sixth paragraph of Section 4B-21 relating to traffic signals near grade crossings. The question was whether this paragraph prohibits flashing operation of traffic control signals following the track clearance phase.

The flashing red traffic signal indications are consistent with the meaning of railroad grade crossing signals in the Uniform Vehicle Code which requires a stop but allows the motorists to proceed if safe to do so. The flashing yellow indications controlling traffic on the street paralleling the tracks allows right or left turns into the street crossing the track except where prohibited by signs or other methods.

The most efficient traffic operation is usually achieved if, following the initial track clearance, movements not in conflict with the train operation are allowed. Flashing operation can in many instances provide this type of intersection efficiency.

The finding was made that the wording in the sixth paragraph of Section 4B-21 does not prohibit the use of flashing operation of traffic signals following the track clearance phase. Accordingly, the request was approved.

FIGURE 13

AMENDMENTS TO THE 1970 EDITION OF

MINNESOTA RULES AND REGULATIONS RELATING TO

PUBLIC SERVICE COMMISSION

CHAPTER NINE: PSC 246-249

LOCAL GRAIN WAREHOUSES

PSC 246 Definitions:

(a) "Bond" means an obligation, underwritten by a corporate surety acceptable to the commission, and running to the State of Minnesota, as obligee, for the purpose of indemnifying depositors and sellers of grain against breach of contract by any licensee.

(b) "Depositor" means any person who is the owner or legal holder of an outstanding receipt, or open scale ticket marked for storage, on which a receipt is to be issued in accordance with MSA Sec. 232.06, Subdivision 1, representing any grain stored in a public local grain warehouse or in a grain bank licensed under the provisions of MSA Sec. 236.02.

(c) "Grain Buyer" means any person who, while not qualified to obtain a warehouse license, engages in the business of purchasing grain for resale, but need not use his own vehicles to transport grain so purchased.

(d) "Itinerant Grain Buyer" means any person who, using a truck, tractor-trailer unit or other vehicle, owned and/or operated by the licensee, travels from place to place to purchase grain for the purpose of resale.

(e) "Person" means every corporation, company, joint stock company or association, partnership, firm or individual and includes their agents, trustees, assignees or duly appointed receivers.

(f) "Private Local Grain Warehouseman" means any person licensed to operate a warehouse for the sole purpose of purchasing, handling, processing and shipping grain or its by-products and who is not authorized to accept grain belonging to others for storage.

(g) "Public Local Grain Warehouseman" means any person operating a warehouse wherein grain belonging to persons other than the warehouseman is accepted for storage or who holds himself out as offering grain storage or warehouse facilities to the public for hire.

(h) "Scale Ticket" means a memorandum showing weight, grade and kind of grain which is issued by a warehouseman to every patron at the time such grain is delivered.

(i) "Warehouse" means any building, structure, other protected enclosure or part thereof, or any bins, tanks, silos or containers suitable for use in the storing, handling, processing or shipping of grain. Unless the context clearly indicates a different meaning, "warehouse" may be used interchangeably with "elevator", "storage house" or "facility".

(j) "Warehouseman" means any person owning, controlling, operating or managing, directly or indirectly, any licensed public or private local grain warehouse.

(k) "Warehouse Receipt" means a formal record issued to a depositor by the warehouseman under the provisions of MSA Sec. 232.06, Subdivision 1, in which case the instrument is negotiable, or under the provisions of MSA Sec. 236.02, in which case the instrument is non-negotiable. Unless the context clearly indicates a different meaning, "warehouse receipt" shall have the same meaning as, and may be used interchangeably with, "receipt", "legal warehouse storage receipt", "storage receipt" or "storage ticket".

PSC 247 Licensing and Bonding

The director of the warehouse division is hereby authorized and directed to issue, in a manner approved by the commission, all licenses for which provision is made in the statute and to approve, in like manner, all license renewals of a routine nature. Said director shall require all licensees to maintain necessary bonds in a penal sum fixed by the commission and shall, at least twice annually, transmit to the commission a report on the status of all licensees together with any recommendations deemed pertinent. There shall be no deviation from established licensing and bonding policy without prior approval of the commission. Licenses which may be issued in this manner are:

DESIGNATION:	STATUTORY AUTHORITY:
(a) License to buy grain	MSA 232.02, Subdivision 1
(b) License to buy and store grain	MSA 232.02, Subd. 2
(c) License to buy grain (other than a licensed warehouseman)	MSA 232.02, Subd. 3
(d) Grain bank license	MSA 236.02
(e) Itinerant grain buyer's license	MSA 232.02, Subd. 3
(f) Flax straw, flax tow or hay buyer's license	MSA 223.12, Subdivision 1
(g) Commission merchant's license	MSA 223.02
(h) Public terminal warehouse license	MSA 233.08

PSC 248 Public Local Grain Warehouses

(a) Adjoining warehouses owned or operated by the same person may be covered by a single license provided such warehouses are connected by a spout or conveyor which permits the movement of grain, in each direction, from one warehouse to the other. Bins, tanks, or other structures which are not self-contained warehouses shall be designated

as detached facilities and may operate under the license of the primary house. No conventional elevator may be considered as a detached facility unless the head-house is permanently inoperable.

(b) All warehousemen shall, on or before the tenth day of each month, file with the warehouse division, on forms approved by the commission, a report showing the net cash liability of all grain outstanding on warehouse receipts as of the close of business on the last day of the preceding month. Should any warehouseman willfully neglect or refuse to file such report for two consecutive months, the warehouse division director may request authorization from the commission to order that the surety increase the penal sum of the licensee's warehouse bond in such amount as the commission may direct.

(c) Every warehouseman shall keep in a place of safety, complete and accurate records and accounts relating to any warehouse operated by him. Such records shall reflect each commodity received and shipped daily, also the balance remaining in the warehouse at the close of each business day; a listing of all unissued warehouse receipts in his possession and a record of all receipts issued by him which remain outstanding, as well as those which have been returned for cancellation. Copies of receipts or other documents evidencing ownership of grain by a depositor, or other liability of the warehouseman, shall be retained as long as the liability exists but must be kept for a minimum of three years.

(d) Every warehouseman must maintain in his warehouse at all times grain of proper grade and sufficient quantity to meet delivery obligations on all outstanding warehouse receipts.

(e) Grain encumbered by any outstanding warehouse receipt(s) may be moved from the issuing warehouse only under the following conditions:

1. When the original warehouse receipt is presented by the depositor for cancellation the grain may be moved to any licensed warehouse provided a receipt is issued by such warehouse to the depositor if requested by him.

2. When a warehouseman leases space in a licensed warehouse within the State of Minnesota for the purpose of re-concentrating grain, the original receipt(s) shall be cancelled, with the depositor's consent, and a single currently-dated receipt issued containing the following statement:

"Owner waives re-delivery, at this station, of grain represented by this receipt."

Such statement must be signed by the depositor and all legally accrued charges against the grain settled when the replacement receipt is issued; liability for said receipt shall remain an obligation of the issuing warehouseman who must assess and collect storage charges as required by MSA Sec. 232.06, Subdivision 1, and arrange for renewal or termination of the contract pursuant to the provisions of MSA Sec. 232.14. Verification that grain of proper grade and amount is actually credited to his account shall be provided by the aforesaid issuing warehouseman when required for the purpose of establishing compliance with Rule PSC 248(d). Such verification shall be in the following form:

VERIFICATION

This is to certify that there is in store at this warehouse _____ bushels of _____, held for the account of _____, which will be redelivered to _____ on demand. We further certify that the statutory storage rate will be assessed against this grain.

Dated: _____, 197___

By _____
An Authorized Signature

(f) Every warehouseman must carry fire, lightning, extended coverage and inherent explosion insurance to the extent of the full market value of all grain outstanding on warehouse receipts; except, however, the insurance may provide for a deductible provision not exceeding one percent (1%) of the net worth of the warehouseman. In the event that damage occurs to receipted grain, the warehouseman shall, upon demand by the depositor, and, upon being presented with the receipt(s) or other legal evidence of ownership, make settlement, after deducting the warehouseman's charges and advances. The value of the grain in question shall be determined on the basis of the market value less freight charges, at the time of such loss or damage, at the terminal market selected by the warehouseman for the purpose of determining cash value on his insurance reporting form for the preceding month. In the event such settlement, or other satisfactory arrangement for payment, has not been made within ninety (90) days from the date of such demand, the depositor may seek recovery from the surety.

(g) The storage contract may be terminated by the depositor at any time prior to the expiration date by the payment or tender of all legal charges and surrender of the warehouse receipt, together with a demand for delivery or proper notice to the warehouseman to sell such receipt. Delivery charges may be assessed only when actual delivery of the grain is made to the depositor, or his order, from the issuing warehouse or, at the request of the depositor, from another warehouse as provided under Rule PSC 248(e) above. Nothing herein contained shall be so construed as to prohibit the assessment and collection of delivery charges, set by the warehouseman's posted tariff, for grain handled and delivered to cars on consignment.

(h) While a warehouse receipt is outstanding, no other or further receipt shall be issued for the grain represented thereby, or any part thereof, except that, in case of a lost, stolen or destroyed warehouse receipt, the depositor shall be entitled to a new receipt, plainly designated to be a duplicate or substitute for the one missing, indicating the date of issuance of the original, as well as the replacement, receipt. Before issuing any such duplicate the warehouseman shall require the depositor to make and file an affidavit stating that the applicant is lawfully entitled to possession of the original receipt and that he has not negotiated or assigned it; the circumstances in which it was lost or destroyed, and that, in case of loss, a diligent effort has been made to find same; the warehouseman, may, if he desires, require the applicant to post a bond in an amount not more than double the value at the time the bond is given, of the grain represented by the lost or destroyed receipt; such bond shall be conditioned to indemnify

the warehouseman against any loss which might be sustained because of the issuance of such duplicate receipt, shall be in a form approved by the commission, and be executed by a corporate surety licensed to operate in the State of Minnesota, or by at least two individuals who are Minnesota residents each of whom owns real property within the state having a value, in excess of all exemptions and encumbrances, equal to the amount fixed as the penal sum of the bond. A valid duplicate or substitute receipt shall be endowed with all rights appertaining to the document in lieu of which it was issued.

(i) Every warehouseman shall post conspicuously in his warehouse a statement of charges, including those set by statute for storage and re-delivery, to be made by him for the various services rendered to patrons. No charge different from that posted shall be made to any patron.

(j) Any grain held in a special bin, received for direct consignment, for custom drying or any other purpose, which remains in a warehouse for a period exceeding twenty-four (24) hours following completion of the service for which the grain was tendered, or subsequent to the spotting of an acceptable vehicle for the transportation of same, shall be considered as stored grain. Scale tickets and warehouse receipts issued for such grain shall show the name of the owner, the kind of grain and the weight thereof; grade and dockage need not be shown.

(k) When a warehouse license is terminated by reason of sale, discontinuance of business, failure to renew such license, or for any other reason, the operator must forthwith discontinue accepting grain for storage and deliver or purchase all grain belonging to others on store in the warehouse. No licensee may sell or lease his warehouse

unless proper idemnity is provided to all depositors; agreement, in writing, by the warehouseman's successor to assume liability for all receipts outstanding at the time of take-over or cancellation and re-issue of outstanding receipts by such successor shall constitute sufficient indemnity.

(1) Whenever it appears that a warehouseman does not have on hand grain of sufficient quality and quantity to cover his outstanding warehouse receipt obligations, notice shall be given by the commission to said warehouseman requiring that the shortage be corrected immediately. If the warehouseman fails to comply with such order within ten (10) days, the commission may petition the district court for an order authorizing the seizure of all, or any part, of the grain stored in such warehouse, together with all pertinent books and records. If such petition be granted, written notice of any action taken shall be given to the warehouseman's surety. If deemed necessary, depositors of record, as shown by the warehouseman's books, may be notified to present their warehouse receipts for inspection or accounting. An audit, or other investigation of the affairs of such warehouse, if approved by the court, may be made by the commission, or its agents, for the purpose of determining the amount of shortage and computing the portion of loss sustained by each depositor. The warehouseman and his surety shall be notified forthwith of the approximate amount of any shortage and each depositor shall likewise be informed thereof by a notice mailed to his last known address as evidenced by the records of the warehouseman. Unless ordered sooner to do so by the court, the commission shall surrender jurisdiction when the warehouseman, his surety, or both, shall have satisfied all valid claims.

(m) If, during the course of any audit or investigation conducted pursuant to the provisions of Rule PSC 248(l), the commission finds evidence that the warehouseman is insolvent or is unable to satisfy the claims of all depositors, the court shall immediately be so informed and petitioned to appoint a receiver to operate or liquidate the business of such warehouseman in accordance with the provisions of law.

PSC 249 General Provisions:

(a) All grain banks, whether operated separately or in conjunction with a public local grain warehouse, shall be subject to the provisions of Rule PSC 248 insofar as they apply to such operation.

(b) For the purpose of determining whether a voluntary extension of credit has been made where the statutory limitation relating to bonded purchases of grain is at issue, the demand date on any transaction which involved the sale of grain shall be no later than the end of the business day next succeeding the day upon which delivery of the grain by the seller to the buyer is completed.

(c) All scale tickets, negotiable and non-negotiable receipts must, in addition to containing those statements required by statute, be consecutively pre-numbered and have stamped or printed thereon the name and location of the issuing warehouse.

(d) In no event may more than one receipt, either negotiable or non-negotiable, be issued against the same parcel of grain except in the case of a lost, stolen or destroyed receipt replaced in accordance with Rule PSC 248(h).

(e) The charge for receiving, handling and delivering grain at any public terminal warehouse shall not exceed the tariff which has

been filed with the commission by the warehouseman assessing such charge. All filed tariffs must comply with the provisions of MSA Sec. 233.10.

(f) Any complaint to the commission must be in writing, state specifically the charge or charges upon which such complaint is based and must be signed by the complainant.

(g) The intentional violation of any of the provisions contained in these rules shall make the violator liable to the full penalty provided by law in such cases.

(h) These rules replace and supersede any and all rules heretofore made and adopted by the commission for the regulation and operation of grain warehouses.

APPROVED AS TO FORM AND LEGALITY
October 2 1974
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 2 - 1974 - 3:00 pm
Arlen I. Erdahl
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
OCT 2 1974 3:10 pm
BY Eda Staudenmaier
AUTH. SIGNATURE

AMENDMENTS TO THE 1970 EDITION OF
MINNESOTA REGULATIONS RELATING TO
THE PUBLIC SERVICE COMMISSION

CHAPTER ONE

Amend PSC 1(c), DEFINITIONS, to read as follows:

(c) When used in these rules the letters shown below have the following meaning:

RRCC means Regular Route Common Carrier
PC means Petroleum Carrier
IRCC means Irregular Route Common Carrier
CC means Contract Carrier
CCP means Charter Carrier of Passengers
LS means Livestock Carrier
RC means Reciprocity Carrier
LCC means Local Cartage Carrier
IC means Interstate Carrier

Amend PSC 1(o), DEFINITIONS, to read as follows:

(o) The term "petroleum transport" means any vehicle, trailer or semi-trailer with a tank or tanks mounted thereon, or made an integral part thereof (other than the fuel-supply tank for the engine of such vehicle), which is filled or emptied while remaining on the vehicle and used for transporting petroleum products and is owned or operated by or for an authorized petroleum carrier.

Amend PSC 1, DEFINITIONS, by adding a paragraph (r), as follows:

(r) The term "mobile home" shall mean a transportable structure built on a chassis and designed to be used for residential, commercial, educational or industrial purposes, with or without a permanent foundation, when connected to the required utilities, and the term "mobile home" shall be deemed to include the following:

1. A double wide mobile home and/or sectional trailer defined as a mobile home, consisting of two or more sections, to be combined horizontally at the site, while still retaining their individual chassis for possible future movement.

2. An expandable mobile home defined as a mobile home with one or more room sections that can be folded, collapsed or telescoped while being transported and expanded at the site to provide additional cubic capacity.

3. A modular unit defined as a factory fabricated transportable building unit designed to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

Amend PSC 2, COMMISSION ACTION, by deleting paragraphs (c) and (t), and changing (d) to (c), (e) to (d), (f) to (e), (g) to (f), (h) to (g), (i) to (h), (j) to (i), (k) to (j), (l) to (k), (m) to (l), (n) to (m), (o) to (n), (p) to (o), (q) to (p), (r) to (q), (s) to (r), and (u) to (s)

Amend PSC 2(e), redesignated (d), COMMISSION ACTION, to read as follows:

(d) Cards are issued to all for-hire carriers, including local cartage carriers, for identifying the vehicle. Such cards will be called "Carrier Identification Authority" or "Cab Cards".

The "Carrier Identification Authority Card" or "Cab Card" must be carried at all times in a readily available place in the cab of the vehicle for which it was issued; that upon request it must be shown to identify authority granted and that the owner thereof has complied

with all laws, rules and regulations of the Commission governing the operations for the type of authority granted.

The local cartage identifying file number must be shown with the name and address on both sides of the registered vehicle. The numbers shall be not less than one and one-half (1½) inches in height, one (1) inch in width and are to be legible at all times.

Amend PSC 2(f), redesignated (e), COMMISSION ACTION, to read as follows:

(e) The name and post office address of the certificate or permit holder must be shown on both sides of the power units on the doors on each vehicle and must be the same as shown in the certificate of permit. The lettering shall be not less than three (3) inches high, made by strokes no less than 1/2 inch wide of a contrasting color, so as to be legible at all times.

Amend PSC 2(j)(2), redesignated (i)(2), COMMISSION ACTION, to read as follows:

(i)(2) The compliance period in all orders involving new applications or extension of authority issued by the Commission shall be thirty (30) days from the receipt of such order by the person by whom compliance is to be made, unless otherwise ordered by the Commission, and failure to make such compliance as aforesaid shall render the order null and void and all proceedings in such matter shall be terminated.

Amend PSC 2(q), redesignated (p), COMMISSION ACTION, to read as follows:

(p) No permit shall be issued to any person under eighteen (18) years of age.

Amend PSC 2(s)(2), redesignated (r)(2), COMMISSION ACTION, by deleting the second paragraph and substituting in lieu thereof the following:

(r)(2) (second paragraph) In the case of any intrastate move the bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order, shall have printed in distinctive color in boldface type on the face thereof a statement reading as follows:

Unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, the carrier's maximum liability for loss and damage shall be either the lump sum value declared by the shipper or an amount equal to $1.25 for each pound of weight in the shipment, whichever is greater.

The release of value must be entered in the following form directly below and immediately following the foregoing statement, and must be completed only by the person signing it.

The shipment will move subject to the rules and conditions of the carrier's tariff. Shipper hereby releases the entire shipment to a value not exceeding _____
(To be completed by the person signing below)

Notice: The shipper signing this contract must insert in the space above, in his own handwriting, either his declaration of the actual value of the shipment or the words, "60 cents per pound per article." Otherwise, the shipment will be deemed released to a maximum value equal to $1.25 times the weight of the shipment in pounds.

_____
(Shipper)

_____
(Date)

Amend PSC 2(s)(7), redesignated (r)(7), COMMISSION ACTION, to read as follows:

(r)(7) No carrier of household goods shall advertise or in any way imply or suggest that such carrier carries insurance which will cover damage or loss to household goods while being loaded or unloaded, or in transit

or storage, or otherwise in the care or custody of the carrier, unless such carrier actually carries such insurance.

Amend PSC 2(s)(8),redesignated (r)(8),COMMISSION ACTION, to read as follows:

(r)(8) No certificated, permit, household goods or local cartage carrier shall so advertise in any publication, including a telephone directory, unless such advertisement shall contain such carrier's Public Service Commission authority number.

Amend PSC 2(u)(3)(aa)(aa-1), redesignated (s)(3)(aa)(aa-1), COMMISSION ACTION, to read as follows:

(s)(3)(aa)(aa-1) The provisions of paragraph (aa) shall not apply between motor carriers that have authority as defined under Minnesota Statute 221.011, Subd. 9, 10, 11, 12, 13, 21 and 24,nor shall it apply to Local Cartage Carriers as defined in Minnesota Statute 221.296.

Amend PSC 3(j)(2), RECORDS, to read as follows:

(2) In accidents resulting in loss of life or requiring hospitalization or medical attention, or property damage amounting to or more than two thousand dollars ($2,000), a summary report shall be made to the Commission within 48 hours of the time of said accident and a detailed written report of the accident made available to the Commission within fifteen (15) days.

Amend PSC 3(j)(3), RECORDS, to read as follows:

(3) A written report of accidents shall contain the following information: Name of carrier, principal business address, type of carrier, date of accident, time of accident, place where accident occurred, highway number, county, city, name and address of the driver of the vehicle, type of accident, collision, non-collision, whether accident involved fire or explosion, other vehicles involved, name of the owners, addresses, type of vehicles, names and addresses of persons killed or injured and so designated. Such written report may be made on the U. S. Department of Transportation motor vehicle accident report form.

Amend PSC 5(a)(1), SAFETY, to read as follows:

(1) Effective January 1, 1975, each motor carrier vehicle carrying passengers or commodities in for-hire service shall carry in an accessible position at least one fire extinguisher having a 10 B.C. rating of dry chemical or its equivalent.

Amend PSC 5(k), SAFETY, to read as follows:

(k) All applications for identification cards shall have therewith a certificate, on forms furnished by the Commission, wherein the applicant certifies that all the vehicles for which cards have been applied, meet the safety standards of the Commission and no card shall be issued unless the vehicle to which said card is to be assigned, is covered by such certification.

Amend PSC 6(i)(5), DRIVERS, td read as follows:

(5) Every petroleum transport shall be operated by the driver in accordance with the law and ordinances of the state and its municipalities governing the regulation of traffic upon the streets and highways except that in no event shall a transport ever be operated upon such streets and highways to exceed the prevailing maximum speed limits.

CHAPTER TWO

Amend PSC 43 by adding two paragraphs (i) and (j), as follows:

(i) Permit carrier annual renewal application will not be approved unless carrier has filed a satisfactory annual report.

(j) Changes in uniform systems of accounts and in annual report forms shall not be subject to rules proceedings.

Amend PSC 44(b) to read as follows:

(b) Public liability and property damage insurance must be filed with the Commission by all regular route common carriers of passengers and charter carriers of passengers operating under authority in the following minimum amounts for passenger equipment with a seating capacity of 12 passengers or less up to 33 passengers or more:

Limit for bodily injury to or death of one person $100,000

Limit for loss or damage in any one accident to property of others (excluding cargo) $50,000

Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person) $300,000

PASSENGER EQUIPMENT (Seating Capacity)

12 passengers or less.	$200,000
13 to 20 passengers, incl.	250,000
21 to 32 passengers, incl.	300,000
33 passengers or more.	350,000

Amend PSC 45(b) to read as follows:

(b) Public liability and property damage insurance must be filed with the Commission by all regular route common carriers of freight and permit carriers of freight operating under statewide authority in the following minimum amounts:

Kind of Equipment - All Motor Vehicles used in the Transportation of Freight Only.

Limit for bodily injuries to or death of one person $100,000

Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person) $300,000

Limit for loss or damage in any one accident to property of others (excluding cargo) $50,000

Amend PSC 46(b) to read as follows:

(b) Public liability and property damage insurance must be filed with the Commission by all petroleum carriers operating under authority in the following minimum amounts:

Kind of Equipment - All Motor Vehicles used in the Transportation of Petroleum Products Only.

Limit for bodily injuries to or death of one person $100,000

Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person) $300,000

Limit for loss or damage in any one accident to property of others (excluding cargo) $50,000

PROPOSED
AMENDMENTS TO THE 1970 EDITION OF
MINNESOTA REGULATIONS RELATING TO THE
PUBLIC SERVICE COMMISSION

Amend PSC 171, Application of Rules, paragraph (b) to read as follows:

(b) These rules govern the furnishing of communications service and facilities to the public by communications utilities subject to the jurisdiction of the Commission. The purpose of these rules is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.

Amend PSC 171, Application of Rules, paragraph (e) to read as follows:

(e) These regulations shall in no way relieve any utility from any of its duties under the laws of this State or from any other rules or directives of this Commission.

Amend PSC 172, Definitions, to read as follows:

(1) "Average Busy Season - Busy Hour Traffic" means the average traffic volume for the busy season, busy hours.

(2) "Base Rate Area" means that contiguously developed portion or portions within each exchange service area as set forth in the telephone utility's tariff, maps or descriptions. Main Station service within this contiguous area is furnished at uniform rates without mileage charges.

(3) "Business Service" - telecommunications service provided a customer where the use is primarily or substantially of a business, professional, institutional or otherwise occupational nature.

(4) "Busy Hour" means the two consecutive half-hours during which the greatest volume of traffic is handled in the office.

(5) "Busy Season" means that period of the year during which the greatest volume of traffic is handled in the office.

(6) "Calls" mean customers telephone messages attempted.

(7) "Central Office" means a switching unit, in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting subscriber lines and trunks or trunks only. There may be more than on central office in a building.

(8) "Channel" - a path for communication between two or more stations or telephone utility offices, furnished in such a manner as the carrier may elect, whether by wire, radio or a combination thereof and whether or not by a single physical facility or route.

(9) "Class of Service" - a description of telecommunications service furnished by a customer which denotes such characteristics as nature of use (business or residence) or type of rate (flat rate or message rate). Classes of service are usually sub-divided in "grades", such as individual line, two-party or four-party.

(10) "Commission" means the Minnesota Public Service Commission.

(11) "Customer or Subscriber" means any person, firm partnership, corporation, municipality, cooperative organization, governmental agency, etc., provided with telecommunications service by any telephone utility.

(12) "Customer Trouble Report" means any oral or written report from a subscriber or user of telecommunications service relating to a physical defect or to difficulty or dissatisfaction with the operation of telecommunications facilities. One report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in

trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

(13) "Exchange" means a unit established by a telephone utility for which a separate local rate schedule is provided. It may consist of one or more central offices together with associated plant facilities used in furnishing telecommunication services in that area.

(14) "Exchange Service Area" - the geographical territory served by an exchange, usually embracing a city, town or village and its environs.

(15) "Farmer Line" - see "Service Station Line."

(16) "Grade of Service" means the number of parties served on a telephone line, such as one-party, two-party, four-party, etc.

(17) "Individual Line Service" - a classification of exchange service which provides that only one main station shall be served by the circuit connecting such station with the central office equipment.

(18) "Intercept Service" - a service arrangement provided by the utility whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, or discontinued, or changed to another number, or that calls are being received by another telephone, etc.

(19) "Interexchange Trunks" - transmission paths, including the conductor or conductors and associated equipment, connecting two exchanges.

(20) "Line" - a general term used in the communication industry in several different senses, the most important of which are:

(a) The conductor or conductors and supporting or containing structures extending between customer stations and central offices, or between central offices whether they be in the same or different communities.

(b) The conductors and circuit apparatus associated with a particular communication channel.

(c) Any communication channel between two points disregarding the method of its derivation.

(21) "Local Calling Area" - the area within which telecommunication service is furnished customers under a specific schedule or exchange rates. A local calling area may include one or more exchange service areas or portions of exchange service areas.

(22) "Local Exchange Service" - telecommunication service provided within local exchange service areas in accordance with the tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange.

(23) "Local Message" - a completed call between stations located within the same local calling area.

(24) "Local Message Charge" - the charge that applies for a completed telephone call that is made when the calling station and the stations to which the connection is established are both within the same local calling area, and a local message charge is applicable.

(25) "Local Service Charge" - the charge for furnishing facilities to enable a customer to send or receive telecommunications within the local service calling area. This local service calling area may include one or more exchange service areas.

(26) "Long Distance Telecommunications Service" - that part of the total communication service rendered by a utility which is furnished between customers in different local service areas in accordance with the rates and regulations specified in the utility's tariff.

(27) "Message" means a completed customer telephone communication.

(28) "Outside Plant" means the telecommunications equipment and facilities installed on, along, over or under streets, alleys, highways, or on private rights-of-way between the central office and customers' locations or between central offices.

(29) "Party Line Service" - a classification of exchange service which provides for a number of main stations to be served by the same central office line.

(30) "Public Telephone Service" - an individual line customer service equipped with a coin collecting telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

(31) "Station" - a telephone instrument or other terminal device.

(32) "Service Station Line" - means those facilities owned and maintained by a customer or group of customers, which lines are connected with the facilities of a telephone utility for communication service.

(33) "Subscriber Line" means the wires or channels used to connect the telephone equipment at the subscriber's premises with the central office.

(34) "Switching Service" - means switching performed for service station lines.

(35) "Tariff" means the entire body of rates, tolls, rentals, charges, classifications and rules, adopted and filed with the Commission by a telephone utility or other carriers.

(36) "Telephone Utility" - means any person, firm, partnership, cooperative organization or corporation engaged in the furnishing of telecommunication service to the public under the jurisdiction of the Commission.

(37) "Toll Connecting Trunks" means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office, except trunks classified as tributary circuits.

(38) "Toll Stations" - means a telephone connected to a toll line or directly to a toll board.

(39) "Traffic" - telephone call volume, based on number and duration of messages.

Amend PSC 174, Retention of Records, to read as follows:

(a) All records required by these rules shall be preserved for the period of time specified in the current edition of the Federal Communications Commission's records retention schedule, unless otherwise specified by the Commission.

(b) Each telephone utility shall maintain records of its operations in sufficient detail to permit review of its service performance, and such records shall be made available to the Commission upon request.

(c) Each telephone utility shall report promptly to the Commission any specific occurrence or development which disrupts the service of a substantial number of its customers or which may impair the utility's ability to furnish service to a substantial number of customers.

Amend PSC 175, Data to be filed with the Commission, to read as follows:

(a) "Tariffs" - each telephone utility shall have its tariff on file with the Commission in accordance with the rules and regulations governing the filing of tariffs as prescribed by the Commission.

(b) "Exchange Maps" - each telephone utility shall have on file with the Commission an exchange area boundary map for each of its exchanges within the State. Each map shall clearly show the boundary lines of the area which

the telephone utility holds itself out to serve in connection with the exchange. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall include location of highways, section lines, geographic township and range lines, railroads and waterways outside municipalities. Maps generally shall contain detail as shown on county highway maps. The map scale and other detail shall be shown as required by the Commission. Data associated with the exchange map shall be immediately available for public information at each business office for the area served by said office. Each telephone utility filing an original or revised map shall submit proof of notice of the proposed boundary to any other telephone utility adjoining the area in which a boundary line is to be established or changed.

(c) "Accident Reports" - each utility shall file with the Commission a report of each fatal or disabling accident in connection with the operation of the utility's telephone plant. Prompt notice of fatal accidents shall be given to the Commission.

(d) "Service Reports" - each utility shall furnish to the Commission at such times and in such form as the Commission may require, the results of any tests, summaries or records. The utility shall also furnish the Commission with any information concerning the utility's facilities or operations which may be requested.

Amend PSC 176, Meter Reading Records, to read as follows:

When meters are used in connection with telecommunications service the meter reading records from which the customers' bills are prepared shall show:

(1) Identifying number or means to determine readily the customer's name, address and service classification.

(2) Meter readings.

(3) Date of meter reading

(4) Multiplier or constant, if used.

Amend PSC 179, Customer Billing, to read as follows:

(a) Bills to customers shall be rendered regularly and shall contain a clear listing of all charges.

(b) In the event of a dispute between the customer and the utility respecting any bill, the telephone company may require the customer to pay the undisputed portion of the bill to avoid discontinuance of service for non-payment. In the event the dispute is not reconciled, the company shall advise the customer that he may make application to the Commission for review and disposition of the matter.

(c) In the event the customer's service is interrupted otherwise than by negligence or willful act of the customer and it remains out of order for 24 hours after being officially reported or found to be out of order, adjustments shall be made to the customer, based upon the prorata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative. The refund may be accomplished by a credit on a subsequent bill for telephone service. If in the case of such interruption, service is restored on or before the day after it officially is reported or found by the company, no allowance will be made.

Amend PSC 180, Customer deposits, to read as follows:

(a) A deposit may be required as a condition for establishment of service as provided for in the utility's rules and tariffs on file with the Commission.

(b) When a deposit is required it shall not exceed the estimated two months total telephone service billing.

(c) Upon the request of any customer or applicant, the telephone utility shall provide an explanation of the rates, charges and provisions applicable

to the service furnished or available to such customer or applicant, and shall provide any information and assistance necessary to enable him to obtain the most economical communications service conforming to his stated needs. Applicants for residential telephone service shall be advised as to alternate services available to meet their stated communications requirements. This information may include printed explanations of alternate services and rates. Correspondingly, the utility shall notify residential customers of any service connection charge to be applied to their bills prior to undertaking any action and shall provide an estimate of the initial billing for basic monthly service (including fractional monthly amounts) plus any other applicable charges.

(d) The customer shall be provided with an estimate of the charges where special charges not specifically set forth in a utility's tariff are levied on the basis of actual cost for such items as extraordinary construction, maintenance, or replacement costs or expenses, overtime work at the customer's request and special installations, equipment and assemblies.

(e) Business offices shall be staffed to provide customers and others with convenient access to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customer's bills, adjust charges made in error and to generally act as representatives of the utility. If one business office serves several communities, toll free calling from such communities to that office shall be provided.

(f) Qualified personnel shall be instructed to be courteous, considerate, efficient and be available to promptly serve those who contact the business office.

(g) Access to the following information shall be made available at the business office upon request:

(1) Copies of all tariffs as described in these rules applicable to the area served by the business office.

(2) Maps showing exchange, base rate area and zone (if applicable) boundaries in sufficient size and detail from which all customer locations can be determined and mileage or zone charges quoted.

(3) Publicly announced information as to the present and intended future availability of specific classes of service at an applicant's location.

(4) Publicly announced information concerning plans for major service changes in the area served by the business office.

(5) Information pertaining to services and rates as proposed in pending tariff or rate change filing.

Amend PSC 181, Reasons for Denying Service, to read as follows:

Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, notified and allowed, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued:

(1) Without notice in the event of customer use of equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others.

(2) Without notice in the event of tampering with the equipment furnished and owned by the utility.

(3) For violation of, or non-compliance with, the Commission's Regulations Governing Service supplied by Telephone Utilities, or for violation of, or non-compliance with, the utility's rules or tariffs on file with the Commission.

(4) For failure to comply with municipal ordinances or other laws pertaining to telephone service.

(5) For failure of customer to permit the utility reasonable access to its equipment.

(6) For nonpayment of bill as provided for in the utility's tariff.

(7) Failure to establish credit on request for initial or additional service.

Amend PSC 182, Insufficient Reasons for Denying Service, to read as follows:

The following shall not constitute sufficient cause for refusal of service to a present or prospective customer:

(1) Delinquency in payment for service by a previous occupant, other than a member of the same household, of the premises to be served.

(2) Failure to pay directory . advertising charges.

(3) Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice versa.

Amend PSC 183, Complaints and Appeals, to read as follows:

(a) Each telephone utility shall make a full and prompt investigation of all types of complaints made by its customers or applicants, either directly to it or through the Commission.

(b) The utility shall direct its personnel engaged in initial contact with an applicant or customer in which dissatisfaction with the decision or explanation of such personnel is expressed, to inform him of his right to have the problem considered and acted upon by supervisory personnel of the telephone utility. The utility shall further direct such supervisory personnel that, upon request of the applicant or customer, the name, address and telephone number of the official of the Commission to be contacted for further review of the problem shall be furnished. These are: Director or Assistant Director, Telephone Division.

(c) If the use of service interferes unreasonably with the necessary service of other customers, a customer may be required to take service in sufficient quantity or of a different class or grade.

Amend PSC 184, Held Applications, by adding a paragraph (c), as follows:

(c) Ninety percent of the utility's commitments to customers as to the date of installation of regular service orders shall be met excepting customer caused delays and acts of God.

Amend PSC 185, Directories, by amending paragraphs (c), (d), (e) and (f) to read as follows:

(c) The name of the telephone utility, the area included in the directory, the year and month of issue, shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

(d) The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location of telephone company business offices as may be appropriate to the area served by the directory.

(e) Directory Assistance or intercept operators shall maintain records of all telephone numbers (except telephone numbers not listed or putlished at customer request) in the area for which they are responsible for furnishing Directory Assistance service.

(f) Each telephone utility shall make every effort to list its customers with Directory Assistance as necessary for the Directory Assistance operators to provide the requested telephone numbers based on customer names and post office addresses to eliminate "not found" numbers where the address is different from the address normally associated with an exchange directory.

Amend PSC 191, Selective Ringing, to read as follows:

Each telephone utility shall have as an ultimate objective the provision of full selective ringing for all telecommunication services.

Amend PSC 193, Emergency Operations, to read as follows:

(a) Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of operators or from fire, storm, or acts of God, and each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telecommunications service.

(b) It is essential that all companies shall make reasonable provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered on short notice, and which can be readily connected. Each central office shall contain as a minimum four hours of battery reserve.

(c) In exchanges exceeding 5,000 lines, a permanent auxiliary power umit shall be installed.

Amend PSC 201, Test Records, to read as follows:

(a) A record of all meter and/or recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. Such record shall include: The identifying number of the meter and/or recording device; its type; the date and kind of test, and the results as found at each test. The record of tests of each meter and/or recording device shall be maintained for at least two years.

(b) Upon request of any customer the telephone utility shall make a test of any meter and/or recording device related to his billing. Such requests should not be made more often than once every three months unless unusual circumstances exist.

(c) Any customer, by request to the Commission may have a test of any meter and/or recording device related to his billing, conducted by the telephone utility in the presence of a representative of the Commission.

Amend PSC 203, Basic Utility Obligations, by amending paragraph (c) to read as follows:

(c) Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review and such records shall be made available for inspection by the Commission upon request at any time within the period prescribed for retention of such records. Each utility shall make measurements to determine the level of service for each item included in these rules. Each utility shall provide the Commission or its Staff with the measurements and summaries thereof for any of the items included herein on request of the Commission or its Staff. Records of these measurements and summaries shall be retained by the utility as specified by the Commission.

Amend PSC 205, Answering Time, to read as follows:

(a) Adequate forces shall be provided at local manual offices in order to assure that 95% of the calls will be answered within ten (10) seconds.

(b) Ninety percent of repair service calls, calls to the business office and other calls shall be answered within 20 seconds.

(c) An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an "answer".

Amend PSC 206, Dial Service Requirements, to read as follows:

Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements during average busy season-busy hour:

(1) Dial tone within three (3) seconds on at least 98.0% of telephone calls. Dial tone delays of more than 2.6% of calls on a continuing basis indicates a need for investigative or corrective action.

(2) Complete dialing of called numbers on at least 97% of telephone calls without encountering an all-trunk busy condition within the central office.

Amend PSC 207, Interoffice Trunks, to read as follows:

Local interoffice trunks shall be provided so that at least 95% of telephone calls offered to the group will not encounter an all-trunks-busy condition. For toll connecting trunks, this figure shall be at least 97%. When the completion rate falls below 95% on a continuing basis investigative or corrective action should be initiated.

Amend PSC 211, Interruptions of Service, by amending paragraphs (a) and (e) to read as follows:

(a) Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall re-establish service with the shortest possible delay. The minimum objective should be to clear 95% of all out-of-service troubles within 24 hours of the time such troubles are reported. In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.

(e) It shall be the objective to so maintain service that the average rate of all customer trouble reports in an exchange is no greater than 6.5 per one-hundred (100) telephones per month. A customer trouble report rate of more than 8.0 per 100 telephones per month by repair bureau on a continuing basis indicates a need for investigative or corrective action.

PROPOSED
PUBLIC SERVICE COMMISSION
DEPARTMENT OF PUBLIC SERVICE

CHAPTER EIGHT
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RULES AND SPECIFICATIONS

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PSC 220 INTRODUCTION

(a) General. These rules and specifications are intended to apply to railroad related engineering functions under the jurisdiction of the Department of Public Service and the Public Service Commission.

(b) Definitions

(1) Commission - Public Service Commission

(2) Department - Department of Public Service which engineering functions are administered by the Department of Highways, Engineer of Railway Negotiations pursuant to an authorized reorganization of state government in September 1972.

(3) U.S.D.O.T. - United States Department of Transportation

F.H.W.A. - Federal Highway Administration, an agency of the U.S.D.O.T.

F.R.A. - Federal Railroad Administration, an agency of the U.S.D.O.T.

(4) A.A.R. - Association of American Railroads

Signal Manual - A.A.R., Communications and Signal Section, Signal Manual of Recommended Practices, on file and available for inspection in the office of Engineer of Railway Negotiations, Minnesota Department of Highways or available for purchase at 1920 L Street NW, Washintgon, D.C. 20036.

(5) Manual - "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways" approved by the Commissioner, Minnesota Department of Highways.

(c) Uniform Project Accounting and Billing. U.S.D.O.T., F.H.W.A., Policy and Procedure Memorandum No. 30-3 of most recent revision shall be the basis for railroads billing their allocated or agreed upon share of their work against any public authority in connection with any project under the jurisdiction of the Department or Commission unless otherwise specifically noted in an Order of the Commission.

PSC 221 HIGHWAY - RAILROAD GRADE CROSSINGS

(a) National Inventory and Numbering Project

The Department is cooperating with the U.S. Department of Transportation and the railroads in a project to identify each crossing with a unique number attached to the sign or signal at the crossing. Public grade crossings, bridges, pedestrian crossings and private grade crossings will be identified, and the characteristics of each crossing will be tabulated. Reference should be made to these inventory numbers whenever possible. Information regarding this project can be obtained from: Engineer of Railway Negotiations, Minnesota Department of Highways, St. Paul, Minnesota 55155.

(b) Signs

(1) General

All signs to be used on public roads in Minnesota must comply with the "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways" approved by the Commissioner, Minnesota Department of Highways. Sign number designations shown in these rules refer to the Manual.

Requests for clarification, interpretation, or modification of the Minnesota Manual shall be addressed to the Commissioner of Highways, and marked for the attention of the Office of Traffic Engineering, State Highway Building, St. Paul, Minnesota 55155. Any requests which require action at the national level will be forwarded to the Federal Highway Administration with an appropriate recommendation by the State.

Full scale drawings of the standard symbols used on signs, and the Minnesota Standard Signs Manual containing detailed drawings for the standard signs illustrated in the Manual are available from the Office of Traffic Engineering, Minnesota Department of Highways, State Highway Building, St. Paul, Minnesota 55155.

Full scale drawings of the standard alphabets are available from the Office of Traffic Engineering, Minnesota Department of Highways, State Highway Building, St. Paul, Minnesota 55155.

(2) Railroad Crossbuck Sign

The crossbuck shall be white with the words RAILROAD CROSSING in black lettering. If there are two or more tracks, including sidings, the number of tracks shall be indicated on an auxiliary sign of inverted T shape mounted below the crossbuck. The crossbuck shall be used at every railroad crossing, alone or in combination with other warning devices.

The design of the Railroad Crossbuck (R15-1) with auxiliary sign showing the number of tracks (R15-2), has been standardized by the Association of American Railroads and shall comply with Figure 1.

All or any part of the sign may be constructed of wood or metal, and mounted on a post which should be of a suitable yielding design.

Reflectorized 4-ft. 90-deg type, blades of suitable material shall be used on post.

All letters and numerals shall be in black color on reflectorized white background.

Height may be varied as required by local conditions.

Auxiliary multiple track sign to be used only where warning device is for more than one track.

The crossbuck sign is furnished, installed and maintained by the railroad company and is usually located on the railroad right-of-way. The distance that should be assumed to separate tracks before an additional crossing

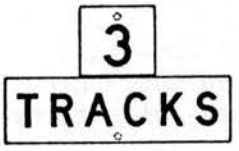
sign is considered necessary is 100 feet, unless local conditions require otherwise. The sign shall be erected on the right-hand side of the roadway on each approach to the crossing.

Crossbuck signs shall be located to the right of the traveled roadway not less than 2 feet clear of the face of curb or edge of shoulder or not less than 10 feet clear of the edge of traveled lane, and not less than 12 feet 6 inches from center line of the nearest track. (See Figure 1).

A Railroad Advance Warning Sign should be used in advance of the Railroad Crossbuck.



R15–1
48" x 9"
(drilled for 90-degree mounting)



R15–2
9" x 9"
27" x 9"

The Department may require crossbuck signs to be mounted back to back for additional emphasis.

(3) Railroad Advance Warning Sign

A Railroad Advance Warning Sign shall be used in advance of every railroad crossing, except at a minor spur or siding which is infrequently used and which is guarded by train crews; or in the business districts of large cities where the crossings are fully protected; or where the physical conditions are such that even a partially effective display of the sign is impossible.

On a divided highway it may be desirable to erect a supplemental sign on the left shoulder of the roadway. In residence or business districts, where low speeds are prevalent, the sign may be placed a minimum distance of 100 feet from the crossing. If there is a street intersection within 100 feet an additional sign or signs may be placed to warn traffic approaching the crossing from each intersected street.

Railroad Advance Warning Signs are usually off the railroad right-of-way and are properly the responsibility of the public authorities. The application of Railroad Crossbuck Signs on the railroad right-of-way is described in PSC 221 (b)(2).



W10-1
36" Diameter

(4) Supplemental Railroad Advance Warning Signs

The Minnesota Department of Highways has adopted certain Supplemental Railroad Advance Warning Signs as described herein.

These signs are intended for use in advance of certain non-signalized railroad crossings whereat conditions indicate the need for additional advance warning supplementing that provided by the W10-1 circular Railroad Advance Warning Sign. The use of these signs should be based on an investigation of pertinent conditions at the crossing such as train and vehicle speeds, sight distractions or obstructions, stopping distances and similar criteria.

The signs may be used individually or in logical sequence, but shall always be preceded on the approach by the W10-1 sign, which is the initial and primary warning sign to be installed at crossings.

The TRACK ANGLE (W10-X1) Sign is intended to convey to the motorist that the railroad crosses the roadway on a skew, and to thereby alert him that extra care may be needed to ascertain whether trains are approaching. It shall utilize a track symbol at 45° left or right as appropriate.

The BLIND XING (W10-X2) Sign is intended for use to warn of sight obstructions at the crossing area calling for added vigilance on the part of the motorist.

The LOOK FOR TRAINS (W10-X3) Sign is intended for supplemental use to warn the motorist of his obligation to ascertain whether or not it is safe for him to proceed over the crossing. It could logically follow the Blind Xing sign for additional emphasis.

Appropriate advisory speed plates (W13-1) may be mounted beneath any Railroad Advance Warning Sign to indicate the safe vehicle approach speed to the crossing.



W10-X1
36" x 36"



W10-X2
36" x 36"



W10-X3
36" x 36"

(Black legend on yellow background)

(5) STOP Signs

The installation of "STOP" Signs at public highway - railroad grade crossings must be approved by the Commission and designated in the records of the Commission as a "STOP" crossing.

STOP Signs are for use on roadways where traffic is required to stop before crossing railroad tracks to ascertain whether it is safe to proceed across the track area.

The STOP Sign (R1-1) shall be reflectorized or illuminated to show the same shape and color both by day and night. The STOP Sign shall be an octagon with white message and border on a red background. The standard size shall be 30 inches by 30 inches. Where greater emphasis or visability is required, a larger size is recommended.

STOP Signs at designated STOP crossings shall be mounted on the Railroad Crossbuck Sign assembly substantially in accordance with Figure 2.

(c) Pavement Markings

Pavement markings in advance of a railroad crossing shall consist of an X; the letters, RR; a no-passing marking and certain transverse lines. They should be placed on all paved approaches to railroad crossings. These markings, if physically feasible, shall be placed at all grade crossings where railroad highway grade crossing signals or automatic gates are operating, and at all other crossings where the prevailing speed of highway traffic is 40 MPH or greater.

The markings shall also be placed at crossings where engineering studies indicate there is a significant potential conflict between vehicles and trains. At minor crossings or in urban areas, these markings may be omitted if engineering study indicates that other devices installed provide suitable protection. Such markings shall be white except for the no-passing markings.

The design of railroad crossing pavement markings shall be essentially as illustrated in Figure 3. The symbols and letters are elongated to allow for the low angle at which they are viewed.

The centerline may be extended across the track area.

At crossings where there are signals or gates, the stop line should be placed perpendicular to the roadway approximately 5 feet in advance of the signal or gate.

(d) Signals and Gates

(1) General

At railroad-highway grade crossings where studies indicate the need of warning beyond that provided by signs, signals should be installed which indicate the approach or presence of trains. The signals may be supplemented by gates which extend across the lane or lanes of the approaching traffic while trains are approaching and occupying the crossing. Such signals shall comply with Figures 4, 5 and 6.

Future modifications, replacements, installations and maintenance of signals, gates and other warning devices of highway-railroad grade crossings shall be made in compliance with:

Applicable parts of the Association of American Railroads (AAR) Signal Manual of Recommended Practice;

Association of American Railroads Bulletin No. 6 entitled "Railroad-Highway Grade Crossing Protection, Recommended Practices," published by the Train Operation, Control and Signals Committee or most recent revision to this Bulletin;

Applicable parts of the "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways" approved by the Commissioner, Minnesota Department of Highways;

except where modified and supplemented by the following rules and specifications, and except as modified by the Commission from time to time when, in their opinion, public interest and safety would thereby be best served.

Whereever changes are made in a control circuit or a warning device, such changes shall not continue the use of outmoded control circuit prinicples or warning devices when such outmoded control circuits or warning devices may cause an unsafe or hazardous condition even though performing as intended.

(2) Application

A flashing-light signal is used to indicate the approach or presence of trains by means of two horizontal red lights flashing alternately at predetermined intervals.

A railroad-highway grade crossing gate (appearing to the driver as an arm being lowered or in a horizontal position) is an effective adjunct to the flashing light signal in indicating the approach or presence of trains. When used, the gate should extend over the traveled roadway a sufficient distance to cover the lanes used by traffic approaching the crossing.

Signals and signs or signals, signs and gates of the type described herein shall be installed at railroad-highway grade crossings where a study of the crossing by competent engineers indicates a need for warning of the approach of trains. These exact assemblies of devices shall be used for no other purpose.

(3) Operation and Controls

Signals and devices which indicate the approach of a train shall be so controlled that they will operate for not less than 20 seconds before the arrival of any train operated over the crossing.

Where the distance from the most remote signal to the clearance on the highway for the farthest track on which trains operate at a speed of 30 miles per hour or higher, as measured parallel to the center line of the highway, is more than 35 feet, the 20 seconds time should be increased by an amount equal to the additional travel time required for slow moving highway vehicles which use the crossing to clear the farthest track.

Signals and devices are to be designed so that they will operate only when it is intended to indicate impending danger at the crossing, such as an approaching train, and they will operate for such a period of time before arrival of any train operated over the crossing as is required above.

Controls, including electric, electronic and mechanical methods, shall be in accordance with AAR Signal Manual Part 34, insofar as it applies, and as far as practicable shall be so designed that in the event of failure of any part, the operation required of the signals and devices will be provided.

Where means are provided for cutting out the warning devices during intervals when trains make regular operating stops or perform switching operations on approach circuits:

Controls shall be so designed as to provide operation of warning devices before a train reaches the crossing.

Automatic control of warning devices actuated by approaching trains other than the train that has stopped or is performing switching operations, shall take precedence over any feature provided to suspend operation.

Where manual supervisory control of warning devices is provided in addition to automatic controls:

Automatic control actuated by approaching trains other than that for which manual control has been made effective shall take precedence over the manual control.

Means shall be provided to restore the controls to automatic operation.

Means shall be provided to prevent manual operation by unauthorized persons.

Signals shall operate whenever any part of a train occupies the crossing.

All tracks over the crossing shall be provided with track circuits, unless otherwise approved.

Where train speeds on a given track vary considerably under normal operation and volume of railroad and highway traffic warrants, special devices or circuits should be installed to provide reasonably consistent warning time for all movements. Under similar traffic volume conditions special control features should be used to eliminate the effects of station stops and switching operations within approach control circuits.

The control system for active warning devices at railroad-highway grade crossings within automatic block signal territory shall be checked to determine, to the extent possible, if unsafe conditions have developed in the control system prior to the approach of a train to the crossing. If such unsafe condition can be detected, it shall be reflected in the automatic block signal system through the display of an aspect by the appropriate block signal requiring train movement over the crossing at restricted speed.

Wraparound track circuits shall be employed with all motion sensitive control equipment. In block signal territory, timing devices may be incorporated to prevent motion sensitive control equipment from affecting the control system for a specific period of time after a train enters the approach control track circuit provided that the controls for the block signal system are incorporated so that any malfunction whatsoever of the control system occurring prior to the entrance of a train to the approach control track circuit resulting in a hazardous condition will cause the appropriate block signal to display its most restrictive aspect.

Means shall be provided for the automatic release of all directional control stick relays within the control systems of railroad-highway grade crossing warning devices after a train has completed a through movement and departed the control zone.

(4) Electric Light Units

Electric light units shall be in accordance with AAR Signal Manual Part 166, and shall be arranged to provide indication for approaching traffic as required. They shall be mounted horizontally at 2-ft. 6-in. centers and preferably not less than 7-ft. 6-in. nor more than 9-ft. 6-in. above the surface of the highway.

Lamp units shall be hooded to shade them from the sun but not shielded at the sides to impair close-in indication, and shall have backgrounds 20 inches in diameter painted dull black.

Alignment of highway crossing signal reflector type light units shall be accomplished by the railroad in accordance with the recommended practice set forth by AAR Manual Part 268 of most recent revision.

Light units shall flash alternately. The number of flasher per minute for each incandescent type lamp shall be 35 minimum, 55 maximum.

Lamps shall be illuminated approximately the same length of time. Total time of illumination of each pair of lamps shall be practically the entire operating time.

Each electric light unit, when equipped with a roundel designed for 30-deg horizontal spread, shall provide an indication having a beam candlepower or uniform intensity at any angle up to 10-deg on either side of the axis and the range at any point within the 20-deg angle under bright sunlight conditions, with the sun at or near the zenith, shall be not less than 1500-ft.

Electric light units shall display a satisfactory indication at close range.

(5) Bells

Bell, when used, should sound a warning during the time the signal lights are operating, except it may be silenced when head end of train reaches the crossing, or when the gate has descended to within 10 degrees of horizontal.

Bell, when used, shall be in accordance with AAR Signal Manual Part 21, and mounted with the face of the gong parallel to the highway.

(6) Location

In the placement of signals, primary consideration shall be given to ensuring the proper visibility of signal faces. However, in the interest of safety, signals and controller cabinets should be placed as far as practicable from the edge of the traveled way without adversely affecting signal visibility.

Signals shall be located to the right of the highway not less than 2 feet clear from the face of vertical curb or, where there is no curb, not less than 2 feet clear from the edge of the shoulder, and not less than 12 feet 6 inches from the center line of the nearest track in substantial accordance with Figures 7 and 8.

Additional light units or an additional signal may be used if it is determined to be impractical to warn all highway traffic approaching the crossing from one direction with a single signal. On divided roadways, additional signals may be located to the left of the roadway not less than 2 feet clear of curb or edge of shoulder and not less than 12 feet 6 inches from the center line of the nearest track.

Where local conditions require, gate arms may be placed at other than right angles to the highway.

At locations where the roadway speed is 40 miles per hour or greater, controller cabinets shall be located 30 feet clear of the edge of nearest traffic lane.

No part of a concrete base for a signal support should extend more than 4 inches above the ground level at any point.

On medians, the above minimum clearances for signal supports should be obtained where practicable. Any supports which cannot be located with the required clearances should be of the breakaway type or should be guarded if at all practicable.

(7) Guard Rails

Where local conditions will permit, a lateral escape route to the right of the highway in advance of the crossing protection signal should be kept free of guard rail or other above-ground obstructions. Placement of the guard rails is the responsibility of the highway authorities. Where guard rail is not deemed necessary nor appropriate by highway authorities, rigid non-yielding type barriers are not to be used for protecting signal supports. In industrial and other areas involving only low-speed highway traffic and where signals are susceptible to being struck by turning truck traffic such as in terminal areas, alleys, warehouse areas, etc., ring-type guard rail may be installed to provide protection for the signal assembly.

(8) Gate Aspects

An automatic gate, when installed, shall serve as an adjunct to a highway crossing signal of the flashing-light type and, when indicating the approach of a train, shall present toward approaching highway traffic the aspect of an arm equipped with red lights either being lowered or at rest in the horizontal position across the lane or lanes used by traffic approaching the crossing. (See Figure 6).

(9) Gate Arm

Each gate arm shall be equipped with not less than three red lamps arranged to shine in both directions along the highway. The gate arm, when in the raised position, shall not obstruct or interfere with highway traffic.

The gate arms shall be striped on both sides with 16 inch alternate diagonal reflectorized stripes of red and white.

The bottom of the gate arms when in the horizontal position shall not be less than 3 feet 6 inches nor more than 4 feet 6 inches above the crown of the roadway.

(10) Gate Operation and Controls

The gate arms shall operate uniformly, smoothly and complete all movements without rebound or slop, and be securely held when in the raised position.

Gate arm lights shall operate in conjunction with the highway crossing signal at all times when the gate is in position to obstruct highway traffic. The light nearest the tip of arm shall burn steadily and two lights shall flash alternately in unison with the lights on the signal.

The design of the gate operating mechanism shall, so far as practicable, be such as to insure proper operation during unfavorable weather conditions, and if out of order, the gate arm shall assume the horizontal position across the roadway.

Circuits shall be so arranged that a failure of the gate mechanism to operate as intended will not prevent the lights on the gate arm and signal from operating on the approach of a train.

At crossings where traffic volumes are moderate to high or where alternate routes and track crossings are not readily available, manual controls shall be provided to enable designated railroad operating personnel to raise the crossing gates in the event of a control system malfunction such that the gates are caused to obstruct traffic under conditions other than the approach and movement of a train over the crossing.

The gate mechanism shall be so designed that if the arms while being lowered strike or foul an object, they will readily stop, and on removal of the obstruction shall assume the position corresponding with the control apparatus.

The gate operating mechanism shall be designed so that the gate is driven under power part way down and controlled so that the turn-off of the power at any degree of descent may be obtained.

The gate operating mechanism shall be so designed that a minimum clearing torque of 750 foot pounds on the gate arm shaft will be developed, and the down torque shall be a minimum of 750 foot pounds on the gate arm shaft for the full extent of the power down operation, and the hold clear shall resist a 3,000 foot pound torque on the gate arm shaft.

Gate arm shall start its downward motion not less than 3 seconds after the signal lights start to operate.

Gate arm shall reach the horizontal position before arrival of any train and shall remain in that position as long as any part of the train occupies the crossing.

(11) Traffic Signals Near Grade Crossings

When a railroad grade crossing, protected by signals, is within or near an intersection controlled by a traffic control signal, the control of the traffic signal should be preempted from the signal controller upon approach of trains to avoid conflicting aspects of the traffic signal and the train-approach signal. This preemption feature requires a closed electrical circuit between the control relay of the train-approach signals and the preemptor in order to establish and maintain the preempted condition during the time that the train-approach signals are in operation. Except under unusual circumstances, the interconnection should be limited to the traffic signals within 200 feet of the crossing.

Traffic control signals shall not be used on mainline railroad crossings in lieu of railroad grade crossing warning devices. However, at industrial track crossings and other places where train movements are very slow (as in switching operations), traffic control signals may be used in lieu of conventional train-approach signals to warn motorists of the approach or presence of a train. The provisions of this part relating to traffic signal design, installation and operation are applicable as appropriate where traffic control signals are so used.

At crossings where train movements are regulated or limited to the extent that train-approach signals are not required, preemption of the adjacent signalized intersections may be desirable to permit non-conflicting highway traffic to proceed during the time the crossing is blocked by a train. Except under unusual circumstances, the interconnection should be limited to the traffic signals within 200 feet of the crossing.

The preemption sequence initiated when the train first enters the approach circuit, shall at once bring into effect a signal display which will permit all vehicles to clear the tracks before the train reaches the intersection or any approach thereto.

When the green indication is preempted by train operation, a yellow change interval must be inserted in the signal sequence in the interest of safety

and consistency. To avoid misinterpretation during the time that the clear-out signals are green, consideration should be given to the use of 12 inch red lenses in the signals which govern movement over the tracks.

After the track clearance phase, the traffic control signal may be operated to permit vehicle movements that do not cross the tracks, but in all cases shall prohibit movements over the tracks.

Where feasible the location and the normal (no trains involved) phasing and timing of traffic control signals near railroad grade crossings should be designed so that vehicles are not required to stop on the tracks even though in some cases this will increase the waiting time. The exact nature of the display and the location of the signals to accomplish this will depend on the physical relationship of the tracks to the intersection area.

When the train clears the crossing it is necessary to return the signal to a designated phase, normally the traffic movement crossing the tracks.

(12) Maintenance

Maintenance and operation of signals and gates are the responsibility of the operating railroad. Signals and gates shall be regularly and periodically inspected for proper operation, shall be kept well painted and in a serviceable condition at all times. The surfaces of lenses, reflectors, bulbs and gate arm lights shall be kept free from such deposits as dust or other materials that will seriously affect their efficiency.

(13) Plan Approval

All modifications, replacements and installations of signals, gates and other warning devices at public highway-railroad grade crossings must be made in accordance with plans approved by the Department.

The following information shall be incorporated in plans for railroad-highway grade crossing warning systems submitted for approval by a railroad:

Transmittal letters from railroads submitting plans for approval shall set forth the following:

Exact location of railroad-highway grade crossing in terms of railroad company stationing or distance west of the nearest mile post and Federal Crossing number (when available).

Proper name of the road crossing and the railroad including county, state or federal highway designations.

City where crossing is located or is nearest to the crossing.

Listing of all plans, special instructions, data forms, informational reports and documents transmitted with the application.

Reasons for making any changes in existing control systems for warning devices.

Three complete sets of plans shall be furnished with each application.

Typical wiring diagram of motor operated warning signals or crossing gates shall be provided or referred to if on file.

Typical detailed dimensioned drawings of structures for warning signals or crossing gates to be installed shall be provided or referred to if on file.

All changes of existing facilities and control systems shall be clearly indentified on plans by color code or other suitable means. Where plans reflect only new work, they need not be colored or otherwise coded.

All information necessary to completely analyze the control system must be shown by circuit plans.

Plans submitted for approval must be complete with respect to the control system for each railroad-highway grade crossing involved. Where block signal systems are involved, any block signal controls incorporated in the railroad-highway grade crossing control system must be complete.

One copy of the railroad profile plan showing the location of the crossing, block signals (if any) adjacent to the crossing, grade and curvature of the track or tracks, speed limits and their track section limits if within the control zone for the railroad-highway grade crossing, switching zones, direction of railroad traffic and the stationing of the nearest mile post if not included in the profile section.

All electronic equipment must be adequately defined by numerical or other designation supplied by the manufacturer so that complete functional and performance characteristics of the control system can be accurately determined and evaluated. Name of manufacturer must be stated.

Frequency of audio frequency track circuits and other audio frequency equipment must be shown on the plans.

Where electronic control equipment consisting of a self-contained unit arranged for incorporation within the control system for railroad-highway grade crossing warning devices is employed and identified only by a box symbol with identifiable terminals within the control circuit diagram, adequate information shall be provided to enable accurate determination of all circuits within the self-contained unit. If such complex circuits are published by the manufacturer of such equipment as a coherent control system, reference to type, model or other identifying means will be sufficient. If such is not published by the manufacturer as a complete and coherent system, the railroad should provide copies of all circuits to be employed and a block diagram or other means of determining how they will be related. Name of the manufacturer must be stated.

Special symbols or nomenclature used only by the railroad (not found in published standards of the Association of American Railroads, manufacturers of signal equipment or other generally recognized sources of information in the railway signal industry) shall be defined on the plans.

Date of issuance and numerical or other designation of time table and special instructions effective in the design of the control system for the railroad-highway grade crossing warning signals.

The length of approach track sections from point of entrance to entrance of island track section shall be shown on the plan to be approved.

The length of island track circuit shall be shown on plan to be approved.

The method of calculation employed by the railroad in determining the anticipated warning time for a train approaching the crossing at average maximum authorized speed shall be stated. System reaction time, over-speed tolerance (if any) and length of approach control track circuit from point of entrance to the entrance to the island track circuit and any other factors considered shall be stated.

Ampere hour capacity and type of storage battery shall be stated on plan to be approved.

Where the control system for highway intersection traffic control signals is to be interconnected with the control system for railroad-highway grade crossing warning signals, a plan showing how the electrical interconnection will be made with the railroad control system, a sequence chart approved by the railroad, state and local authorities concerned, showing all operating sequences possible for the traffic control signals and a dimensioned or scale plan drawing showing the location of the traffic control signals at the street intersection and the railroad-highway grade crossing signals at the railroad crossing shall be provided. The road authority shall furnish the traffic signal plans and the railroad shall furnish the railroad signal plans. Plan submittals should be coordinated.

Supplementary supporting information should be provided where necessary to clarify and support special design features of the control system or warning devices and may consist (but not be limited to) the following:

Daily traffic volume and peak traffic density of motor vehicles over the crossing.

Daily traffic volume and peak traffic density of train movements over the crossing.

Special operating instructions which apply to the warning devices at the crossing or indirectly affect them.

General operating rules effective in the design of the control system for the railroad-highway grade crossing warning devices.

(14) Operating License

Upon installation or modification of a signal system and inspection and approval by the Department, an operating license will be issued by the Department to the operating railroad in substantial accordance with Figure 9.

(e) Watchman

At crossings where an employee of a railroad is stationed for the purpose of warning highway traffic of impending danger the following rules shall apply:

The watchman shall wear a standard orange vest, front and back, and orange hat. For nighttime conditions, similar outside garments shall be reflectorized;

The watchman shall use a standard red and white reflectorized STOP sign, size 24 inches whenever practical;

The watchman may use a red light shown toward highway traffic during the hours of darkness or when weather conditions require.

Watchmen shall direct highway traffic only when they intend to indicate impending danger at the crossing, such as an approaching train or the occupation of a crossing by a train, cars or engines.

A red light may be used, only, to indicate impending danger at the crossing, or train approaching and when a stop for all classes of highway traffic is required. The "Stop" Sign may only be used where and when a stop for all classes of highway traffic is actually intended at the crossing.

No railroad shall discontinue, or substantially alter the time of duty, of any watchman without applying to the Department, showing of adequate public safety and receiving approval of the Commission.

(f) Flagged Crossing

When so designated by the Commission or the railroads as a flagged crossing, all train movements over the crossing shall be preceded by a member of the train crew and further in accordance with the general or special operating rules of the railroad.

(g) New Grade Crossings

All new highway-railroad grade crossings must be approved by the Commission after first making application to the Department. Applications for new public roadways across existing railroads shall be made by the road authority that will have jurisdiction of the roadway.

Applications for new railroads across existing roadways shall be made by the owning or operating railroad, or in the case of spur tracks owned by a customer, either by the railroad or the customer.

Applications should be accompanied by relevant documents, ~~plans, maps~~, data and material necessary to show public interest and safety such as: railroad company, road authority, general and specific location, maps, plans, schedule of construction, details of construction, proposed use by applicant, expected or current traffic volumes and speeds and train frequency and speeds, available sight distance, suggested warning, and alternates.

Modifications and minor relocations of existing crossings do not require Commission approval.

PSC 222 BRIDGES

(a) Plan Approval

All plans for new or reconstructed bridges carrying public ways over or under railroads must be approved by the Department as to legal clearances in accordance with Figure 10. Variances from legal clearances must be approved by the Commission after first making application to the Department and hearing thereon.

(b) Walkways on Railroad Bridges

All new or reconstructed bridges carrying railroads shall have walkways on both sides of the track conforming to legal clearances. Variances from legal clearances must be approved by the Commission after first making application to the Department.

PSC 223 CLEARANCES

Legal clearances adjacent, over and between railroad tracks are defined in Minnesota Statutes Section 219.45 to 219.53 and by general order of the Commission (M.S.A. 219.46 Subd. 7) and are depicted in Figure 10. Variances from legal clearances must be approved by the Commission after first making application to the Department and hearing thereon showing that such variance would not create a condition unduly hazardous. When considering a variance, the Department may require the installation of the signs shown in Figure 11 or restrict trainmen operation by use of signs shown in Figure 12, and such other requirements as, in their opinion, would be in the interests of safety. It has been the past policy of the Commission that track side loading docks, infringing on legal clearances and requiring a variance, be constructed at a distance of 5 feet 8 inches from the center line of track similar to Figure 13.

PSC 224 RAILROAD ACCIDENT REPORTS

(a) General

Every railroad shall furnish, as directed by the Department, a report of accidents, wrecks and casualties in the manner and form prescribed. All

reports shall be open to public inspection but shall not be admissable in evidence in any suit or action for damages, growing out of such accident, wreck or casualty. Upon reasonable notice, reports are available for inspection at Railway Negotiation Section, Minnesota Department of Highways, St. Paul, Minnesota 55155.

Definition and terms shall refer to U.S. Department of Transportation, Federal Railroad Administration (FRA) latest rules and regulations relating to Railroad Accidents, Reports and Classification. The aforementioned rules and regulations shall apply except where modified herein.

(b) Railroad Accidents

Except for railroad crossing accidents, railroads shall furnish to the Department, copies of all reportable accidents in the form, style and schedule as may be required by the Federal Railroad Administration.

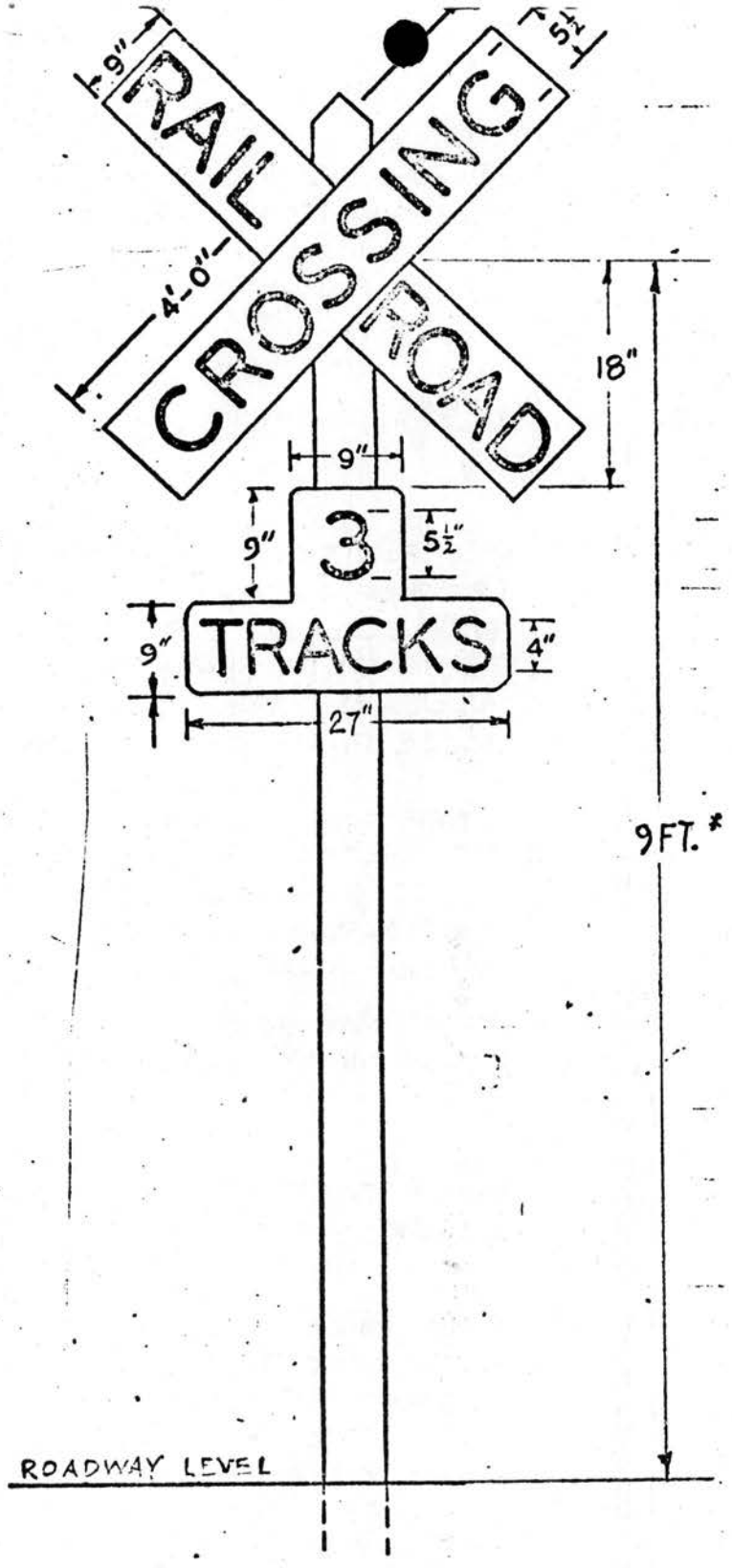
(c) Railroad Crossing Accidents

All train and train service accidents, regardless of extent of damage, due to a public highway-railroad grade crossing shall be reported as directed by the Department, within 10 days of such accident, on forms furnished by the Department.

PSC 225 TRACK SAFETY STANDARDS

U.S. Department of Transportation, Federal Railroad Administration, Office of Safety "Track Safety Standard" of latest revision shall apply to all railroads and be the standard for determination of unsafe trackage.

PSC 226-245 RESERVED FOR FUTURE USE



RAILROAD CROSSBUCK SIGN, BLACK LETTERS ON REFLECTORIZED WHITE BACKGROUND

MULTIPLE TRACK SIGN, BLACK LETTERS ON REFLECTORIZED WHITE BACKGROUND, TO BE USED WHEN SIGN ASSEMBLY WARNS OF MORE THAN ONE TRACK

* HEIGHT MAY BE VARIED AS REQUIRED BY LOCAL CONDITIONS

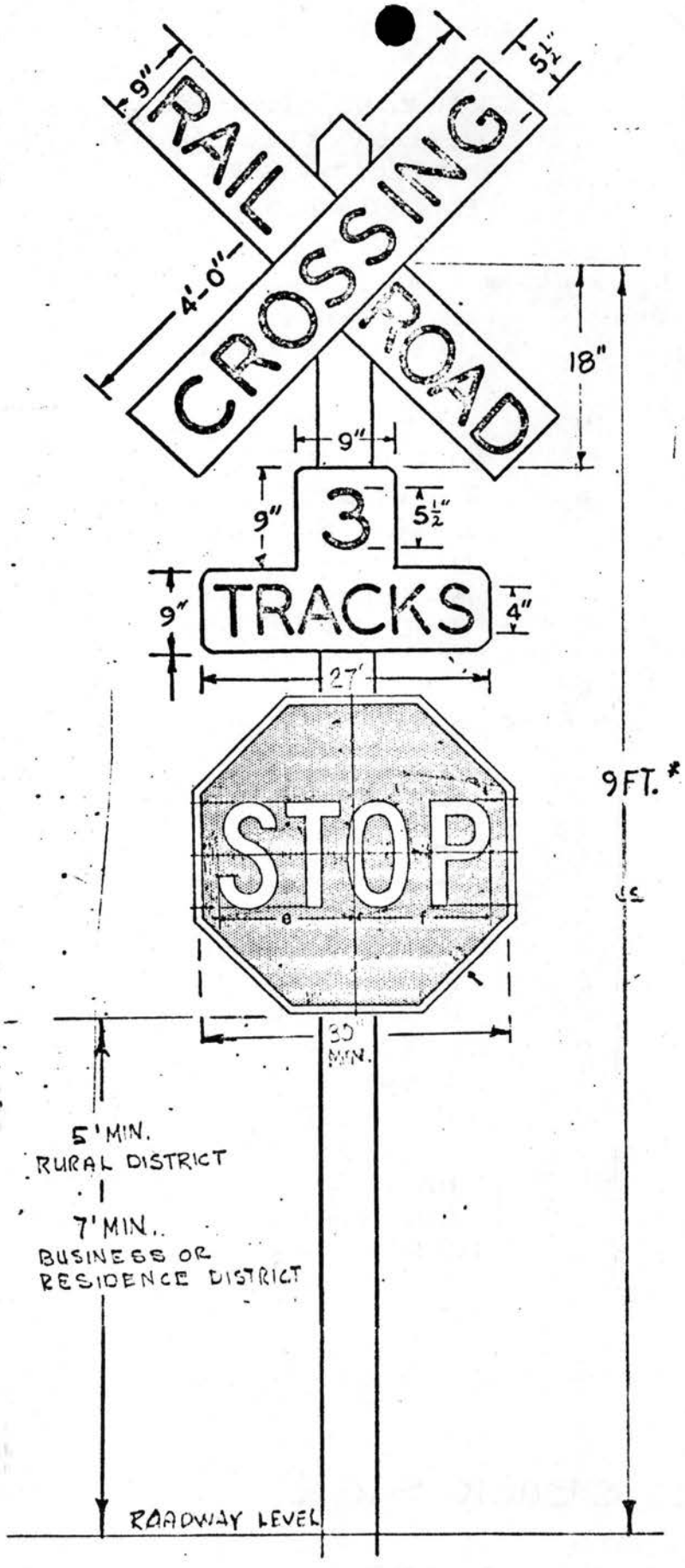
POST TO BE WOOD OR OTHER YIELDING DESIGN

CROSSBUCK ASSEMBLY TO BE LOCATED TO RIGHT OF ROAD NOT LESS THAN TWO FEET CLEAR OF CURB OR EDGE OF SHOULDER (NOT LESS THAN 10 FEET FROM EDGE OF LANE) AND NOT LESS THAN 12 FEET 6 INCHES FROM CENTER LINE OF NEAR TRACK

RAILROAD CROSSBUCK SIGN

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

FIGURE 1



RAILROAD CROSSBUCK SIGN, BLACK LETTERS ON REFLECTORIZED WHITE BACKGROUND

MULTIPLE TRACK SIGN, BLACK LETTERS ON WHITE REFLECTORIZED BACKGROUND, TO BE USED WHEN SIGN ASSEMBLY WARNS OF MORE THAN ONE TRACK

STOP SIGN STANDARD REFLECTORIZED WHITE LETTERS AND BORDER ON REFLECTORIZED RED BACKGROUND, 30" x 30" MIN.

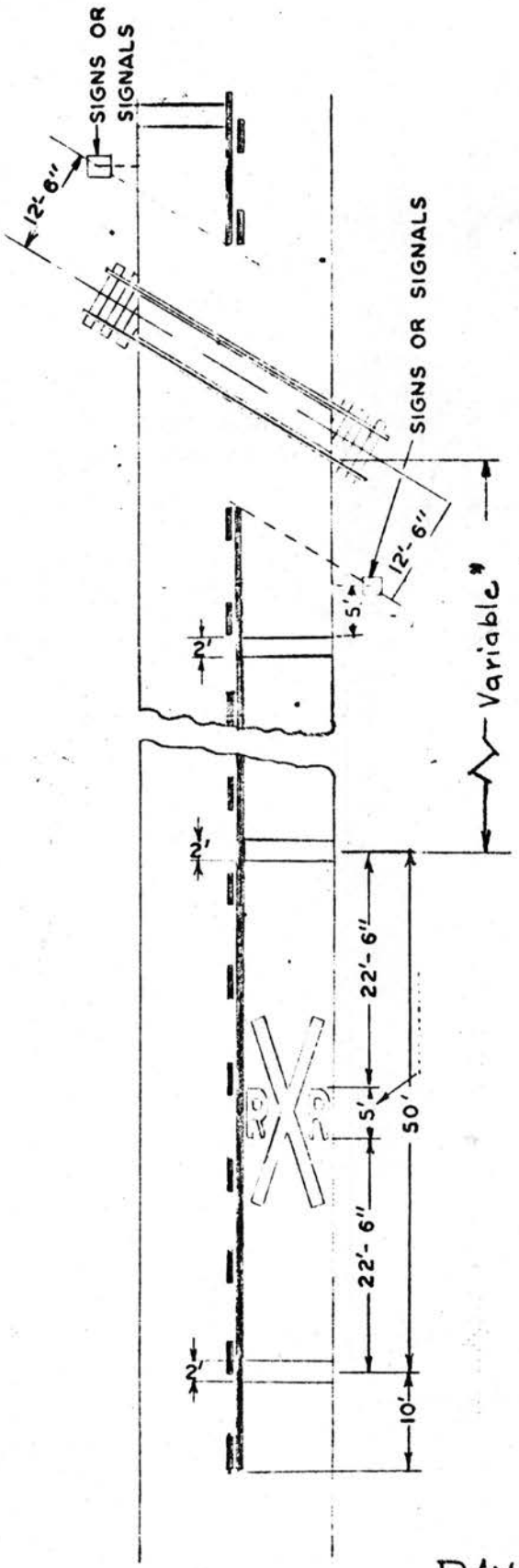
* HEIGHT MAY BE VARIED AS REQUIRED BY LOCAL CONDITIONS.

POST TO BE OF WOOD OR OTHER YIELDING DESIGN

CROSSBUCK AND STOP SIGN ASSEMBLY TO BE LOCATED TO RIGHT OF ROAD NOT LESS THAN TWO FEET CLEAR OF CURB OR ROAD SHOULDER (NOT LESS THAN 10 FEET FROM EDGE OF LANE) AND NOT LESS THAN 12 FEET 6 INCHES FROM CENTER LINE OF NEAR TRACK

RAILROAD CROSSBUCK WITH STOP SIGN

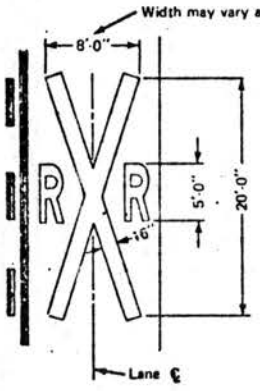
MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
FIGURE 2

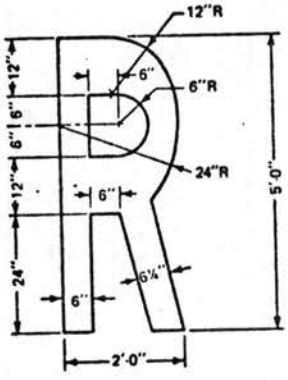


* The distance from the railroad crossing marking to the nearest track will vary according to the approach speed and sight distance of the vehicular traffic approaching, but probably should not be less than 50 feet.

On multi-lane roads the transverse bands should extend across all approach lanes, and individual R X R symbols should be used in each approach lane.

Stop line maybe parallel and 15 feet from the tracks where there are railroad cross buck signs.

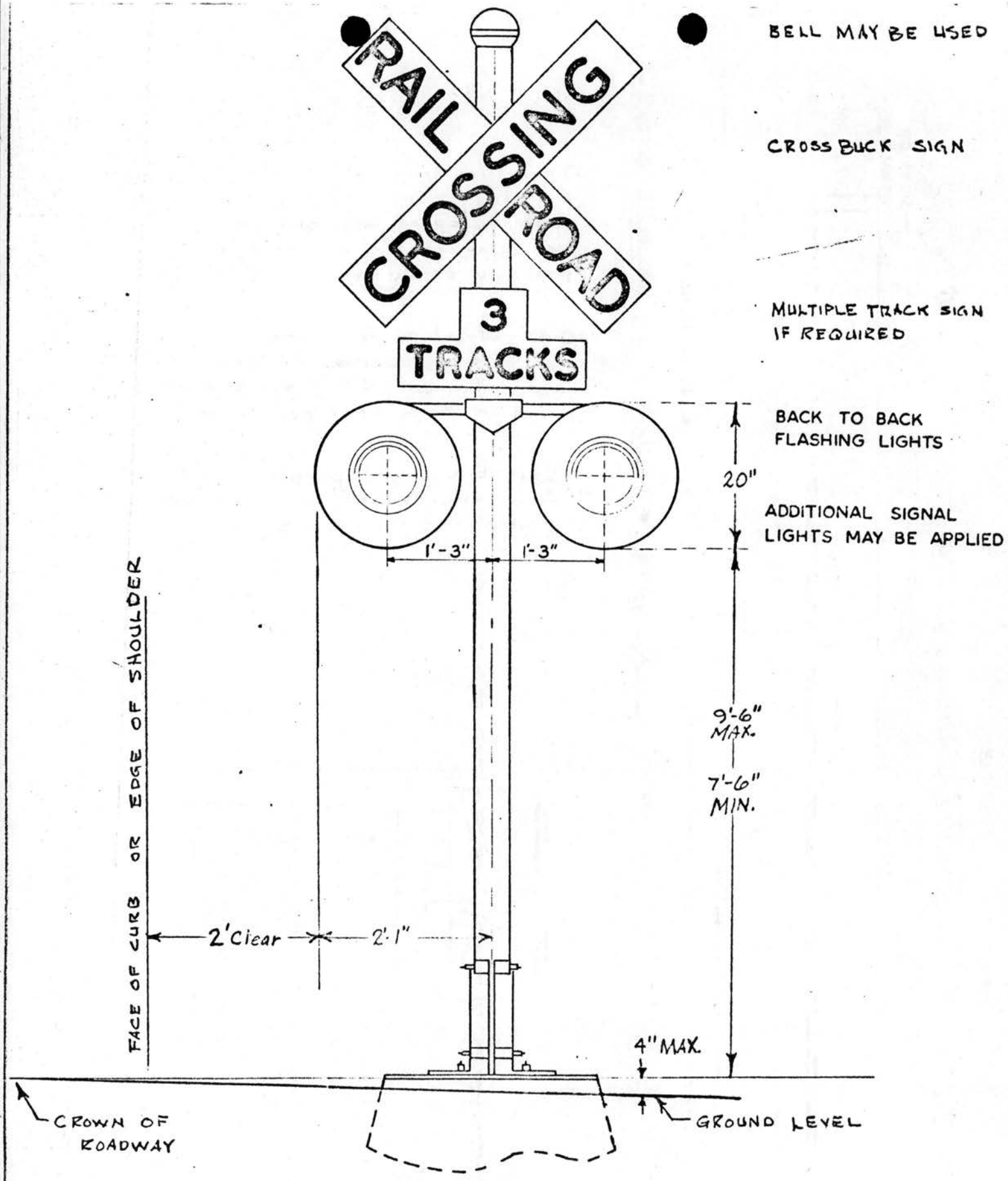




PAVEMENT MARKINGS

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

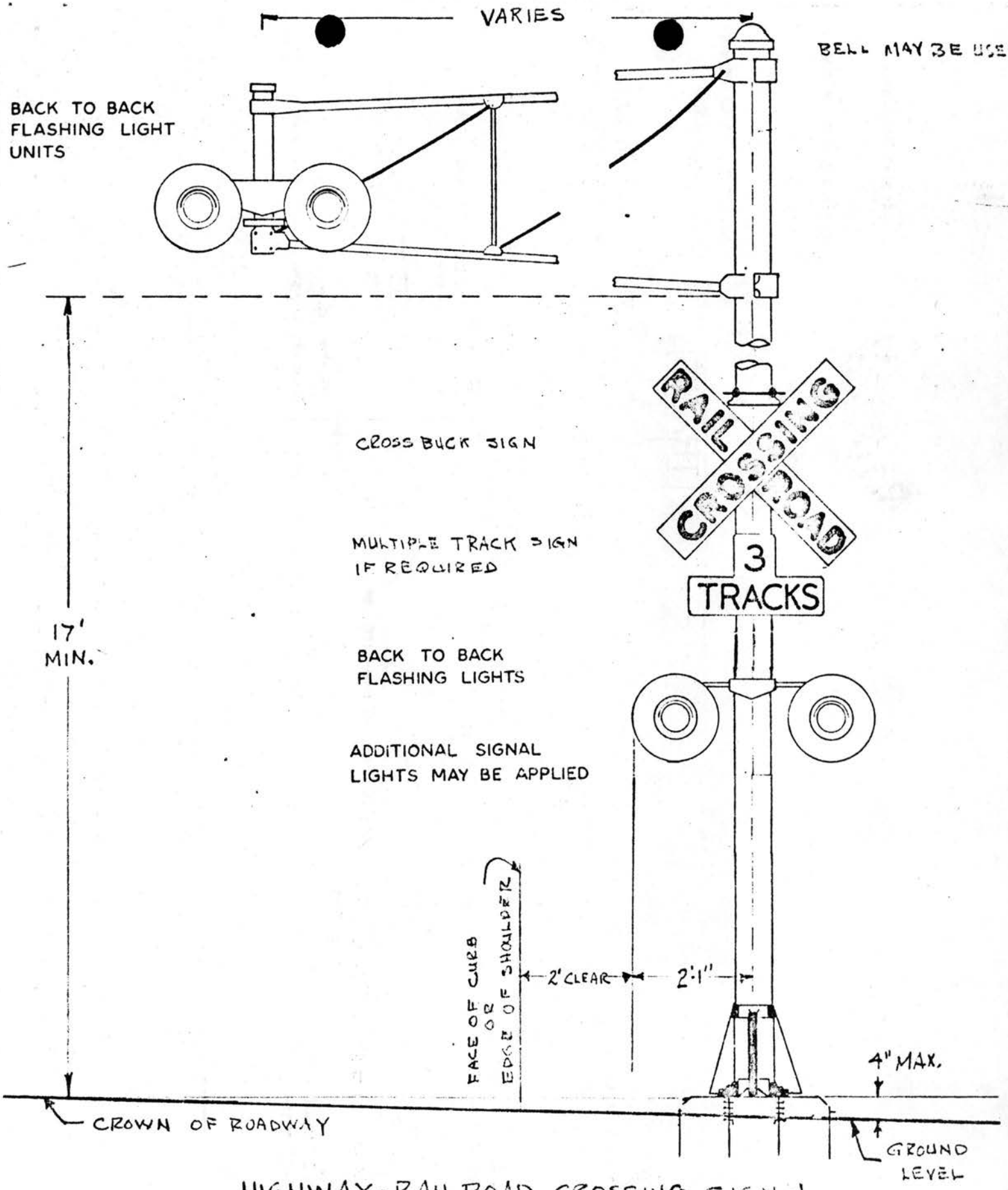
FIGURE 3



HIGHWAY-RAILROAD CROSSING SIGNAL

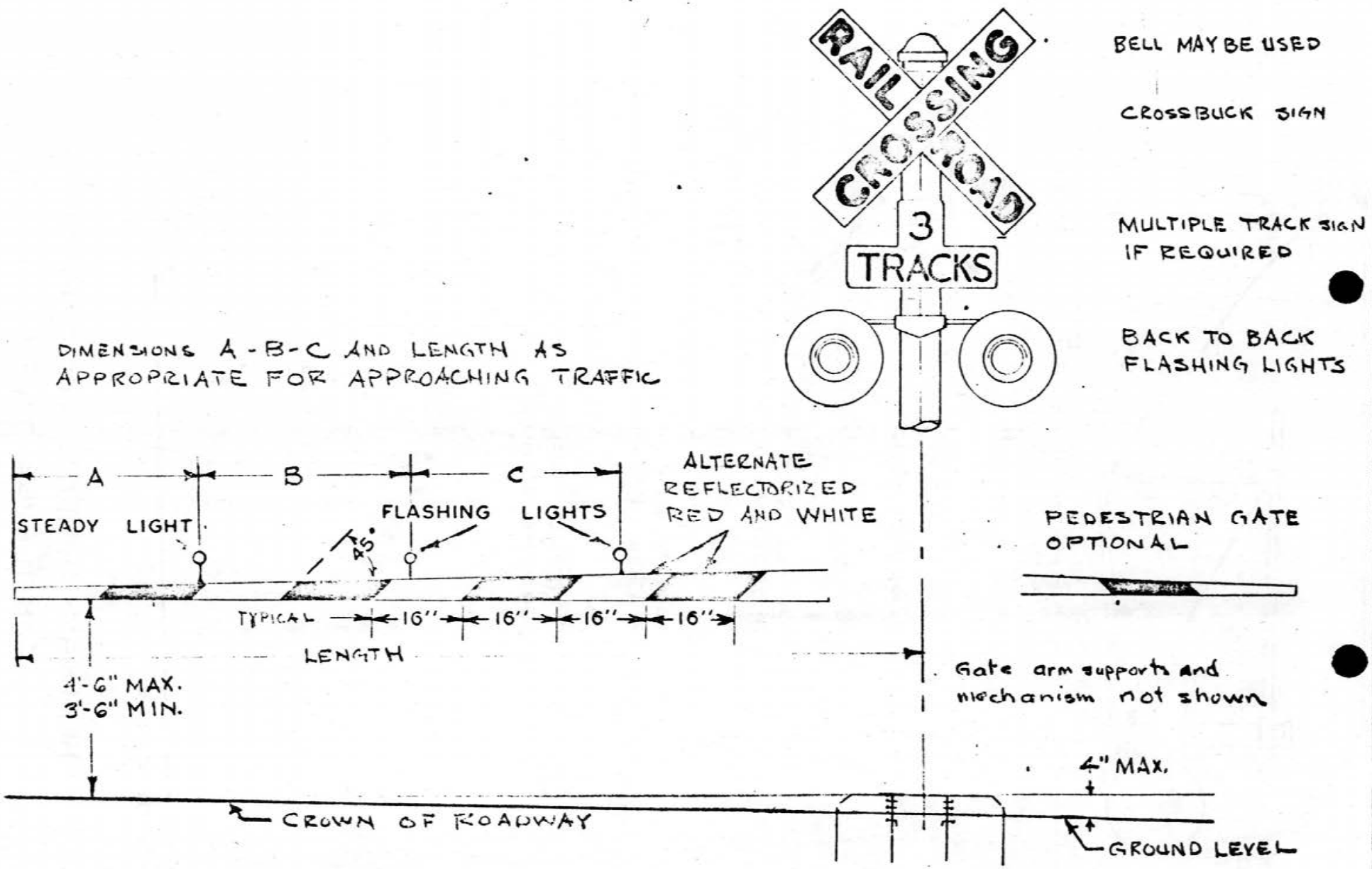
MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

FIGURE 4



HIGHWAY-RAILROAD CROSSING SIGNAL
CANTILEVER TYPE

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
FIGURE 5



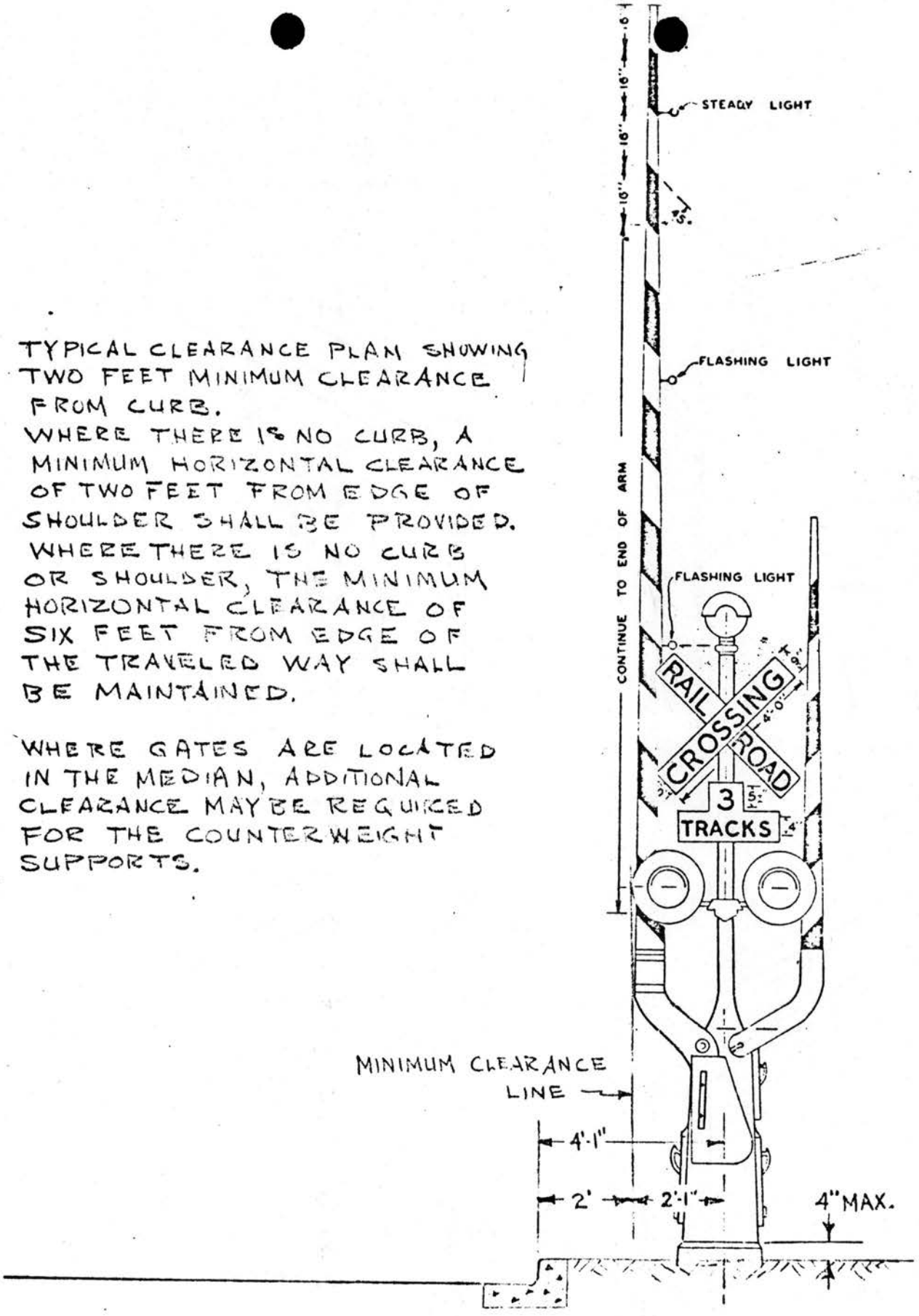
HIGHWAY - RAILROAD CROSSING SIGNAL WITH GATE

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

FIGURE 6

TYPICAL CLEARANCE PLAN SHOWING TWO FEET MINIMUM CLEARANCE FROM CURB.
WHERE THERE IS NO CURB, A MINIMUM HORIZONTAL CLEARANCE OF TWO FEET FROM EDGE OF SHOULDER SHALL BE PROVIDED.
WHERE THERE IS NO CURB OR SHOULDER, THE MINIMUM HORIZONTAL CLEARANCE OF SIX FEET FROM EDGE OF THE TRAVELED WAY SHALL BE MAINTAINED.

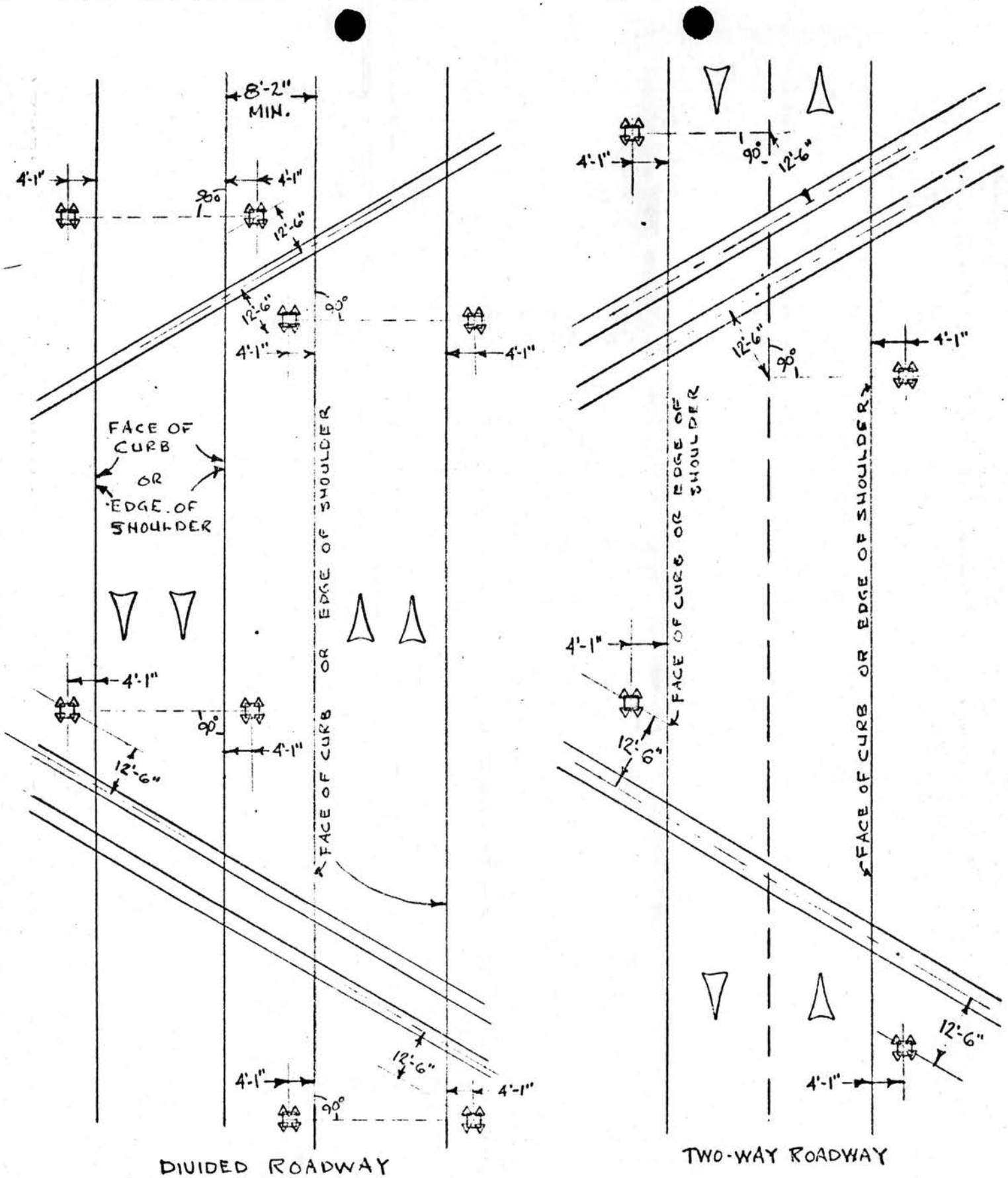
WHERE GATES ARE LOCATED IN THE MEDIAN, ADDITIONAL CLEARANCE MAY BE REQUIRED FOR THE COUNTERWEIGHT SUPPORTS.



TYPICAL PLAN FOR CROSSING SIGNALS WITH OR WITHOUT GATES

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

FIGURE 7



STANDARD CROSSING SIGNAL LOCATIONS

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

FIGURE 8

DEPARTMENT OF PUBLIC SERVICE

STATE OF MINNESOTA

****

(LOCATION)

*

****

OPERATING LICENSE

****

The aforementioned warning signal system of the approved

and alternating flashing light type, with its various parts and appliances, having been duly inspected and examined by the Department of Public Service of the State of Minnesota, on (DATE) , as provided by law, and having been found sufficient for the purpose of such a signal system, a plan of which is filed in this office;

NOW, THEREFORE, the aforesaid signal system is hereby approved in manner and form as described and shown upon the plan thereof now on file in the Office of the Department, and this license shall authorize the above mentioned Railway Company to operate the said signal system until further order of this Department, subject, however, to the following conditions, to-wit:

FIRST: That the aforesaid Railway Company shall not operate its trains over the crossing without providing a minimum of 20 seconds warning time for the flashing light signals and shall not operate its trains over the approach circuits of this signal system at a rate of speed in excess of (MAXIMUM TRAIN SPEED)

SECOND: The aforesaid Railway Company shall cause said signal system to be frequently inspected and properly maintained and shall provide for its continuous efficient operation so long as it is in use under this license.

THIRD: In case of failure of the aforesaid warning signal system to function properly, a flagman must be present to provide flagman protection for each train movement at said crossing until the signal system is again restored to normal operation.

FOURTH: No change shall be made in the location of said signal system, or any of its parts, nor in the mechanical construction thereof, nor in the manner of operating same, without the approval of the Department, and in case of any such change without such approval having been first obtained, the authority hereby conferred shall at once cease - thereby immediate installation by the railway company of continuous flagman protection shall be provided twenty-four (24) hours daily, including Sundays and holidays, at the aforesaid crossing until the system has been inspected and accepted by the Department.

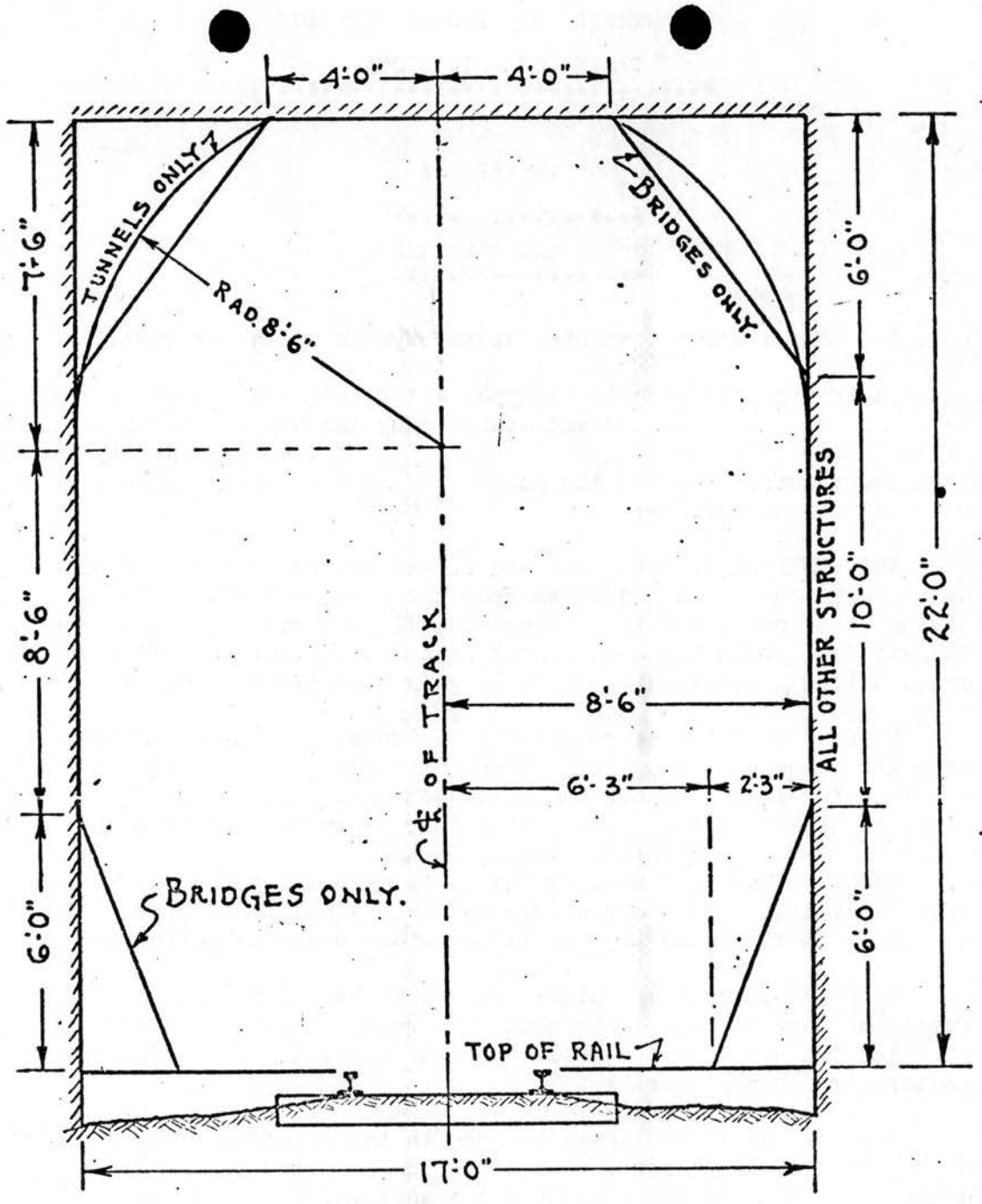
FIFTH: (Additional restrictions, if necessary)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

Dated at St. Paul, Minnesota,

Engineer of Railway Negotiations

FIGURE 9



MINNESOTA

PUBLIC SERVICE COMMISSION

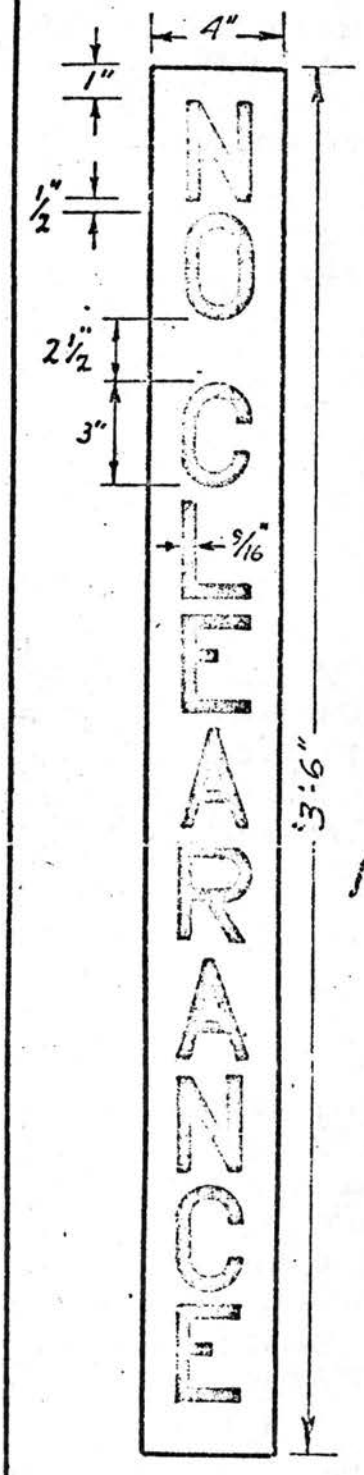
CLEARANCE DIAGRAM
STRUCTURES, BRIDGES & TUNNELS

ST. PAUL, MINN.
NOV. 17, 1944

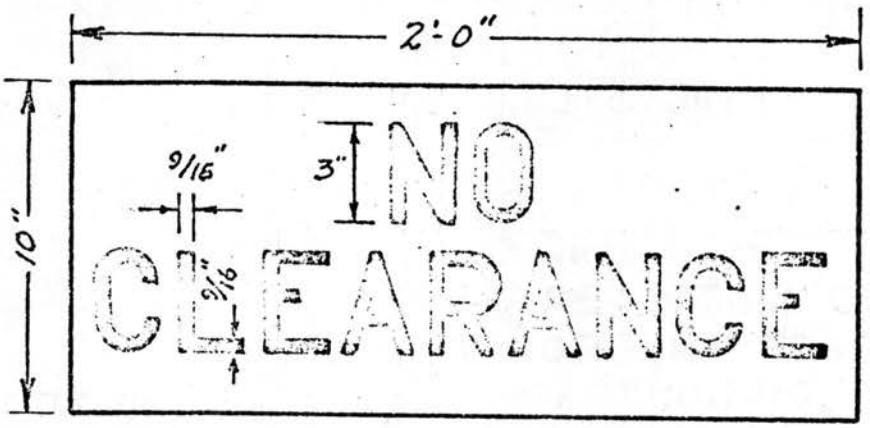
SCALE: 1/4" = 1'-0"

LEE McNALLY
CHIEF ENGINEER

FIGURE 10



STANDARD VERTICAL
NO CLEARANCE SIGN



STANDARD HORIZONTAL
NO CLEARANCE SIGN

NOTE: Black letters on white background
Letters 3" high 9/16" stroke.

MINNESOTA
PUBLIC SERVICE COMMISSION

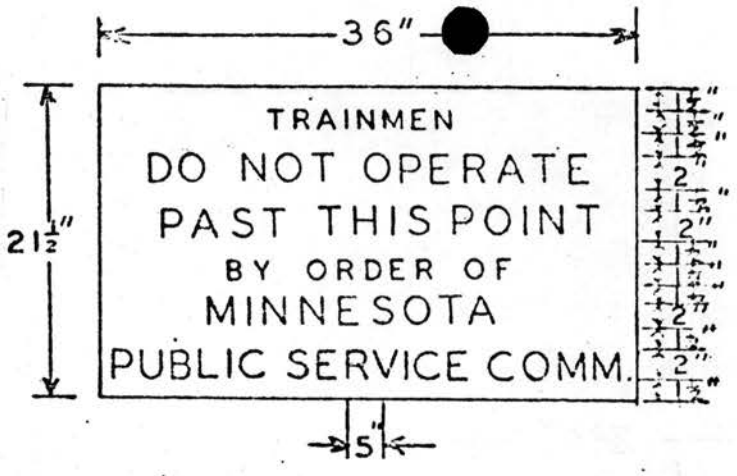
STANDARD VERTICAL & HORIZONTAL NO CLEARANCE SIGNS

ADOPTED
MARCH 31, 1939
REV. SEPT. 22, 1967

SCALE: 2"=1'-0"

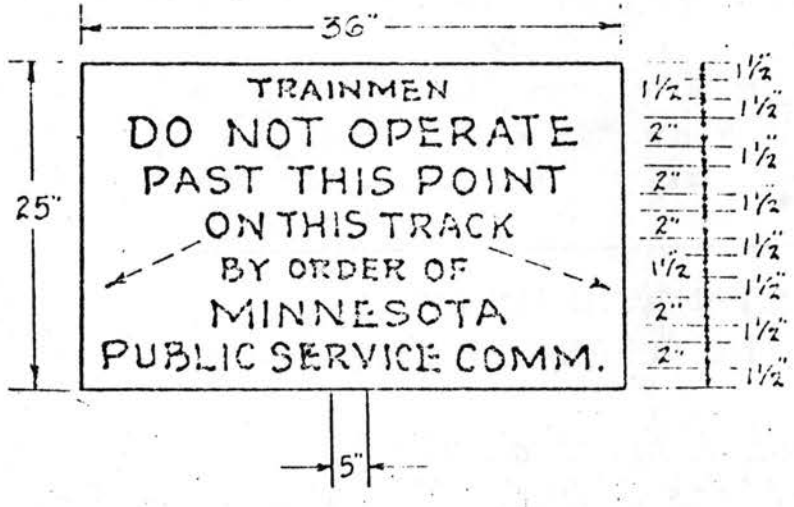
LEE McNALLY
CHIEF ENGINEER
File: G-4B-f

FIGURE 11



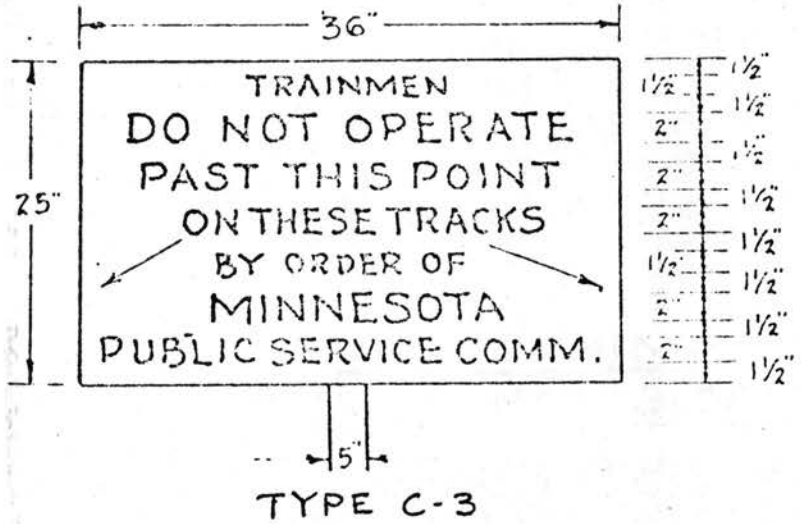
TYPE C-1

WARNING SIGNS: BLACK LETTERS, 1½" AND 2" WITH 1/4" STROKE, ON WHITE BACKGROUND



TYPE C-2

NOTE: ARROW TO BE PLACED ON LEFT OR RIGHT SIDE OF THE SIGN DEPENDING ON TRACK INVOLVED.



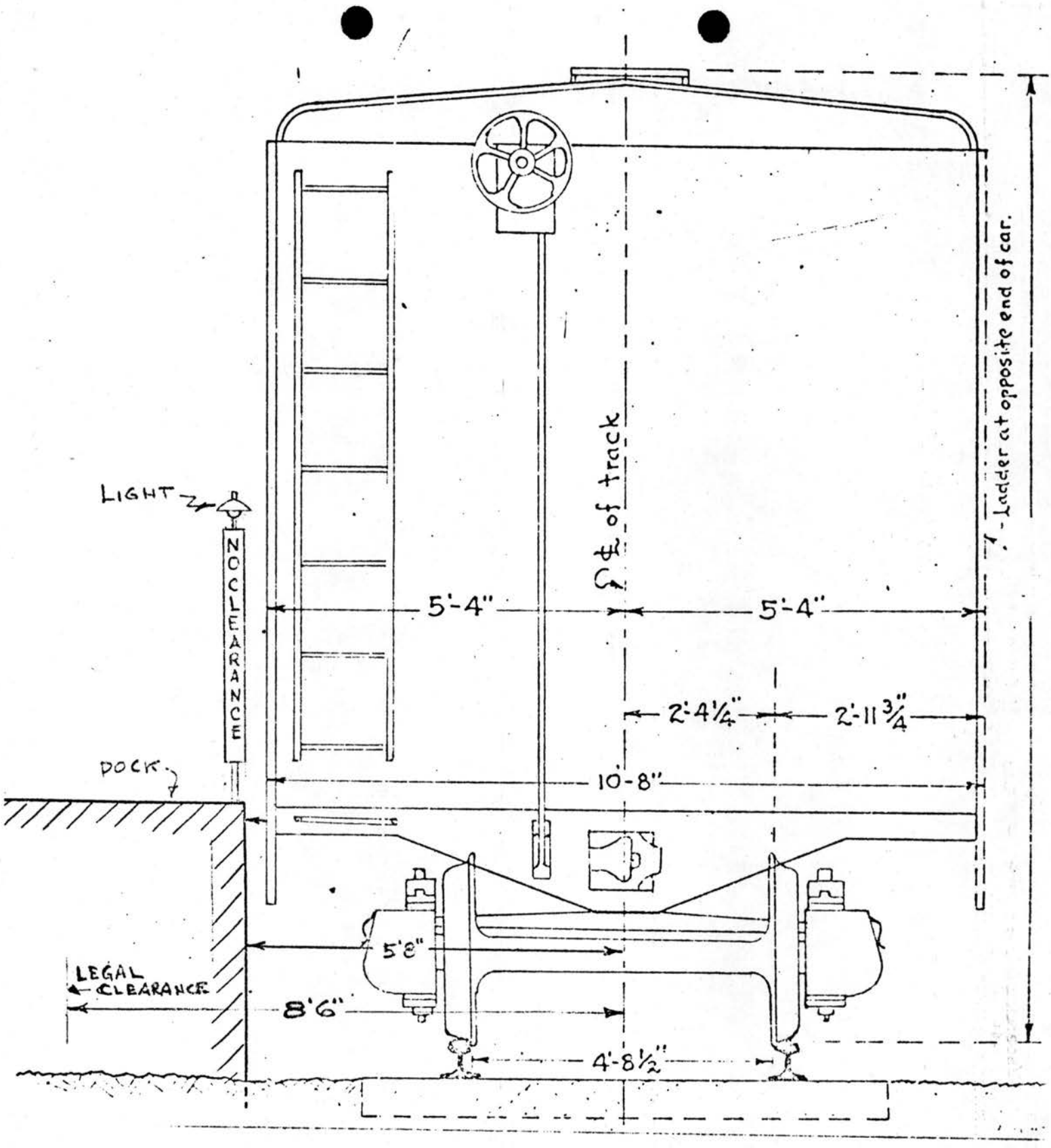
TYPE C-3

WARNING SIGNS TO BE PLACED ALONG TRACKS BEYOND WHICH TRAINMEN ARE NOT TO OPERATE. NO SUCH SIGN SHALL BE PLACED AT ANY POINT ALONG SIDE OR OVER ANY TRACK WITHOUT AUTHORITY OF THE MINNESOTA PUBLIC SERVICE COMMISSION.

WARNING SIGNS FOR TRAINMEN

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

FIGURE 12



TYPICAL TRACK SIDE DOCK WITH VERTICAL "NO CLEARANCE" SIGN CONTINOUSLY ILLUMINATED DURING THE HOURS OF DARKNESS.

SUCH INFRINGEMENTS ON LEGAL CLEARANCE MUST BE APPROVED BY THE PUBLIC SERVICE COMMISSION

TRACK SIDE DOCK
MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
FIGURE 13

CHAPTER NINE: PSC 246

Grain Warehousing and Marketing

PSC-246 DEFINITIONS:

(a) "Bond" means an obligation, underwritten by a corporate surety acceptable to the commission, and running to the State of Minnesota, as obligee, for the purpose of indemnifying depositors and sellers of grain against breach of contract by any licensee.

(b) "Depositor" means any person who is the owner or legal holder of an outstanding receipt, or open scale ticket marked for storage, on which a receipt is to be issued in accordance with MSA Sec. 232.06, Subdivision 1, representing any grain stored in a public local grain warehouse or in a grain bank licensed under the provisions of MSA Sec. 236.02.

(c) "Grain Buyer" means any person who, while not qualified to obtain a warehouse license, engages in the business of purchasing grain for resale, but does not use his own vehicles to transport grain so purchased.

(d) "Itinerant Grain Buyer" means any person who, using a truck, tractor-trailer unit or other vehicle, owned and/or operated by the licensee, travels from place to place to purchase grain for the purpose of resale.

(e) "Person" means every corporation, company, joint stock company or association, partnership, firm or individual and includes their agents, trustees, assignees or duly appointed receivers.

(f) "Private Local Grain Warehouseman" means any person licensed to operate a warehouse for the sole purpose of purchasing, handling, processing and shipping grain or its by-products and who is not authorized to accept grain belonging to others for storage.

(g) "Public Local Grain Warehouseman" means any person operating a warehouse wherein grain belonging to persons other than the warehouseman is accepted for storage or who holds himself out as offering grain storage or warehouse facilities to the public for hire.

(h) "Scale Ticket" means a memorandum showing the weight, grade and kind of grain which is issued by a warehouseman to any patron at the time such grain is delivered.

(i) "Warehouse" means any building, structure, other protected enclosure or part thereof, or any bins, tanks, silos or containers suitable for use in the storing, handling, processing or shipping of grain. Unless the context clearly indicates a different meaning, "warehouse" may be used interchangeably with "elevator", "storage house" or "facility".

(j) "Warehouseman" means any person owning, controlling, operating or managing, directly or indirectly, any licensed public or private local grain warehouse.

(k) "Warehouse Receipt" means a formal record issued to a depositor by the warehouseman under the provisions of MSA Sec. 232.06, Subdivision 1, in which case the instrument is negotiable, or under the provisions of MSA Sec. 236.02, in which case the instrument is non-negotiable. Unless the context clearly indicates a different meaning, the negotiable "warehouse receipt" shall have the same meaning as and may be used interchangeably with, "receipt", "regular warehouse storage receipt", "storage receipt" or "storage ticket". In similar circumstances, the non-negotiable receipt shall have the same meaning as, and may be used interchangeably with, "grain bank receipt", "grain bank ticket" or "receipt".

PSC-247 LICENSING AND BONDING

The director of the warehouse division is hereby authorized and directed to issue, in a manner approved by the commission, all licenses for which provision is made in the statute and to approve, in like manner, all license renewals of a routine nature. Said director shall require all licensees to maintain necessary bonds in a penal sum fixed by the commission and shall, at least twice annually, transmit to the commission a report on the status of all licensees together with any recommendations deemed pertinent. There shall be no deviation from established licensing and bonding policy without prior approval of the commission. Licenses which may be issued in this manner are:

DESIGNATION:	STATUTORY AUTHORITY:
(a) License to buy grain	MSA 232.02, Subd. 1
(b) License to buy and store grain	MSA 232.02, Subd. 2
(c) License to buy grain (other than a licensed warehouseman)	MSA 232.02, Subd. 3
(d) Grain bank license	MSA 236.02
(e) Itinerant grain buyer's license	MSA 232.02, Subd. 3
(f) Flax straw, flax tow or hay buyer's license	MSA 223.12 Subd. 1
(g) Commission merchant's license	MSA 223.02
(h) Public terminal warehouse license	MSA 233.08

PSC-248 PUBLIC LOCAL GRAIN WAREHOUSES

(a) Adjoining warehouses owned or operated by the same person may be covered by a single license provided such warehouses are connected by a spout or conveyor which permits the movement of grain, in each direction, from one warehouse to the other. Bins, tanks, or other structures which are not self-contained warehouses shall be designated as detached facilities and may operate under the license of the primary house. No conventional elevator, equipped with a head-house, may be considered as a detached facility regardless of the manner in which it is used.

(b) All warehousemen shall, or or before the tenth day of each month, file with the warehouse division, on forms approved by the commission, a report showing the net cash liability of all grain outstanding on warehouse receipts as of the close of business on the last day of the preceding month. Should any warehouseman wilfully neglect or refuse to file such report for two consecutive months, the warehouse division director may request authorization from the commission to order that the surety increase the penal sum of the licensee's warehouse bond in such amount as the commission may direct.

(c) Every warehouseman shall keep in a place of safety, complete and accurate records and accounts relating to any warehouse operated by him. Such records shall reflect each commodity received and shipped daily, also the balance remaining in the warehouse at the close of each business day; a listing of all unissued warehouse receipts in his possession and a record of all receipts issued by him which remain outstanding, as well as those which have been returned for cancellation. Copies of receipts or other documents evidencing ownership of grain by a depositor, or other liability of the warehouseman, shall be retained as long as the liability exists.

(d) Every warehouseman must maintain in his warehouse at all times grain of proper grade and sufficient quantity to meet delivery obligations on all outstanding warehouse receipts.

(e) Grain encumbered by any outstanding warehouse receipts(s) may be moved from the issuing warehouse only under the following conditions:

1. When the original warehouse receipt is presented by the depositor for cancellation the grain may be moved to any licensed warehouse provided a receipt is issued by such warehouse to the depositor if requested by him.

2. When a warehouseman leases space in a licensed warehouse within the State of Minnesota for the purpose of re-concentrating grain, the original receipt(s) shall be cancelled, with the depositor's consent, and a single currently-dated receipt issued containing the following statement:

"Owner waivers re-delivery, at this station, of grain represented by this receipt."

Such statement must be signed by the depositor and all legally accrued charges against the grain settled when the replacement receipt is issued; liability for said receipt shall remain an obligation of the issuing warehouseman who must assess and collect storage charges as required by MSA Sec. 232.06, Subd. 1, and arrange for renewal or termination of the contract pursuant to the provisions of MSA Sec. 232.14. Verification that grain of proper grade and amount is actually credited to his account shall be provided by the aforesaid issuing warehouseman when required for the purpose of establishing compliance with Rule PSC-248(d). Such verification shall be in the following form:

VERIFICATION

This is to certify that there is in store at this warehouse

_____bushels of _____,

held for the account of _____,

which will be redelivered to_____,

or order, on demand. We further certify that the statutory storage rate is and will continue to be assessed against this grain.

Dated:_____, 197__

By_____
An Authorized Signature

(f) Every warehouseman must carry fire, lightning, extended coverage and inherent explosion insurance to the extent of the full market value of all grain outstanding on warehouse receipts; except, however, the insurance may provide for a decuctible provision not exceeding one percent (1%) of the net worth of the warehouseman. In the event that damage occurs to receipted grain, the warehouseman shall, upon demand by the depositor, and, upon being presented with the receipt(s) or other legal evidence of ownership, make settlement, after deducting the warehouseman's charges and advances, at the most recent market value of the grain based on the closing price paid locally for grain of the same grade and quality on the day preceding the loss. In the event such settlement, or other satisfactory arrangement for payment, has not been made within ninety (90) days from the date of such demand, the depositor may seek recovery from the surety.

(g) The storage contract may be terminated by the depositor at any time prior to the expiration date by the payment or tender of all legal charges and the surrender of the warehouse receipt, together with a demand for delivery or proper notice to the warehouseman to sell such receipt. Delivery charges may be assessed only when actual delivery of the grain is made to the depositor, or his order, from the issuing warehouse or, at the request of the depositor, from another warehouse as provided under Rule PSC-248(e) above. Nothing herein contained shall be so construed as to prohibit the assessment and collection of delivery charges, set by the warehouseman's posted tariff, for grain handled and delivered to cars on consignment.

(h) While a warehouse receipt is outstanding, no other or further receipt shall be issued for the grain represented thereby, or any part thereof, except that, in case of a lost, stolen or destroyed warehouse receipt, the depositor shall be entitled to a new receipt, plainly

designated to be a duplicate or substitute for the one missing, indicating the date of issuance of the original, as well as the replacement, receipt. Before issuing any such duplicate the warehouseman shall require the depositor to make and file an affidavit stating that the applicant is lawfully entitled to possession of the original receipt and that he has not negotiated or assigned it; the circumstances in which it was lost or destroyed, and that, in case of loss, a diligent effort has been made to find same; the warehouseman, may, if he desires, require the applicant to post a bond in an amount not more than double the value at the time the bond is given, of the grain represented by the lost or destroyed receipt; such bond shall be conditioned to indemnify the warehouseman against any loss which might be sustained because of the issuance of such duplicate receipt, shall be in a form approved by the commission, and be executed by a corporate surety licensed to operate in the State of Minnesota, or by at least two individuals who are Minnesota residents each of whom owns real property within the state having a value, in excess of all exemptions and encumbrances, equal to the amount fixed as the penal sum of the bond. A valid duplicate of substitute receipt shall be endowed with all rights appertaining to the document in lieu of which it was issued.

(i) Every warehouseman shall post conspicuously in his warehouse a statement of charges, including those set by statute for storage and re-delivery, to be made by him for the various services rendered to patrons. No charge different from that posted shall be made to any patron.

(j) Any grain held in a special bin, received for direct consignment, for custom drying or any other purpose, which remains in a warehouse for a period exceeding twenty-four (24) hours shall be considered as stored grain. Scale tickets and warehouse receipts issued for such grain shall show the name of the owner, the kind of grain and the gross weight thereof; grade and dockage need not be shown.

(k) No warehouseman may issue a warehouse receipt to himself against grain owned by him, unless such grain is produced by such warehouseman on land owned or operated by him.

(l) When a warehouse license is terminated by reason of sale, discontinuance of business, failure to renew such license, or for any other reason, the operator must forthwith discontinue accepting grain for storage and deliver or purchase all grain belonging to others on store in the warehouse. No licensee may sell or least his warehouse unless proper indemnity is provided to all depositors; agreement, in writing, by the warehouseman's successor to assume liability for all receipts outstanding at the time of take-over or cancellation and re-issue of outstanding receipts by such successor shall constitute sufficient indemnity.

(m) Whenever it appears that a warehouseman does not have on hand grain of sufficient quality and quantity to cover his outstanding warehouse receipt obligations, notice shall be given by the commission to said warehouseman requiring that the shortage be corrected immediately. If the warehouseman fails to comply with such order within ten (10) days, the commission may petition the district court for an order authorizing the seizure of all, or any part, of the grain stored in such warehouse, together with all pertinent books and records. If such petition be granted, written notice of any action taken shall be given to the warehouseman's surety. If deemed necessary, depositors of record, as shown by the warehouseman's books, may be notified to present their warehouse receipts for inspection or accounting. An audit, or other investigation of the affairs of such warehouse if approved by the court, may be made by the commission, or its agents, for the purpose of determining the amount of shortage and computing the portion of loss sustained by each depositor. The warehouseman and his surety shall be notified forthwith of the approximate amount of any shortage and each depositor shall likewise be informed thereof by a notice mailed to his last known address as evidenced by the records of the warehouseman. Unless ordered sooner to do so by the court, the commission shall surrender jurisdiction when the warehouseman, his surety, or both, shall have satisfied the claim of all depositors.

(n) If, during the course of any audit or investigation conducted pursuant to the provisions of Rule PSC-248(m), the commission finds evidence that the warehouseman is insolvent or is unable to satisfy the claims of all depositors, the court shall immediately be so informed and petitioned to appoint a receiver to operate or liquidate the business of such warehouseman in accordance with the provisions of law.

PSC-249 GENERAL PROVISIONS:

(a) All grain banks, whether operated separately or in conjunction with a public local grain warehouse, shall be subject to the provisions of Rule PSC-248 insofar as they apply to such operation.

(b) For the purpose of determining whether a voluntary extension of credit has been made where the statutory limitation relating to bonded purchases of grain is at issue, the demand date on any transaction which involves the sale of grain shall be no later than the end of the business day next succeeding the day upon which delivery of the grain by the seller to the buyer is completed.

(c) All scale tickets, negotiable and non-negotiable receipts must, in addition to containing those statements required by statute, be consecutively pre-numbered and have stamped or printed thereon the name and location of the issuing warehouse.

(d) In no event may more than one receipt, either negotiable or non-negotiable, be issued against the same parcel of grain except in the case of a lost, stolen or destroyed receipt replaced in accordance with Rule PSC-248(h).

(e) The charge for receiving, handling and delivering grain at any public terminal warehouse shall not exceed five (5) cents per bushel. The charge for storing grain in such warehouses shall not exceed one-fifteenth (1/15) of a cent per bushel for each day or part thereof.

(f) Any complaint to the commission must be in writing, state specifically the charge or charges upon which such complaint is based and must be signed by the complainant.

(g) The intentional violation of any of the provisions contained in these rules shall make the violator liable to the full penalty provided by law in such cases.

(h) These rules replace and supersede any and all rules heretofore made and adopted by the commission for the regulation and operation of grain warehouses.

APPROVED BY COMMN.

"ORIGINAL"

Approved of Record
5-7 1974
Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MINNESOTA

Karl F. Rolvaag — Chairman
Ronald L. Anderson — Commissioner
Robert W. Carlson — Commissioner

In the matter of Proposed Revisions, Amendments and Additions to the Rules of the Minnesota Public Service Commission relating to the Telephone Division, the Bus and Truck Division, the Grain Warehouse Division and Railroad Engineering under the jurisdiction of the Department of Public Service.

Docket No. A-8117-9

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Public Service Commission of the State of Minnesota in the Public Service Department Hearing Room, Fourth Floor, State Office Building, St. Paul, Minnesota, on May 7 through 10, 1974, commencing at 10:00 a.m. (CDST) each day, after proper notice required by Minn. Stat. 1971, Section 15.0412, Subd. 4, was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules:

NOW, THEREFORE, IT IS ORDERED that the following amendments to the

rules and regulations of the Public Service Commission are adopted this 9th day of September, 1974, pursuant to authority invested in this Commission by Minn. Stat. 1971, Section 15.0412:

Bus and Truck Division Rules:
PSC 1(c); PSC 1(o); PSC 1(r); PSC 2; PSC 3(j)(2); PSC 3(j)(3); PSC 5, Safety; PSC 5(k); PSC 6(i)(5); PSC 43(i); PSC 44(b); PSC 45(b); PSC 46(b)

Telephone Division:
PSC 171(b); PSC 171(e); PSC 172; PSC 174; PSC 175; PSC 176; PSC 179; PSC 180; PSC 181; PSC 182; PSC 183; PSC 184(c); PSC 185(c); PSC 185(d); PSC 185(e); PSC 185(i); PSC 191; PSC 193; PSC 201; PSC 203(c); PSC 205; PSC 206; PSC 207; PSC 211(a); PSC 211(e)

Railroad Engineering Division:
PSC 220; PSC 221; PSC 222; PSC 223; PSC 224; PSC 225

Grain Warehouse Division:
PSC 246; PSC 247; PSC 248; PSC 249

BY ORDER OF THE COMMISSION

/s/ LAWRENCE J. ANDERSON

Lawrence J. Anderson
Secretary

Service Date: _____

CERTIFICATE OF COMMISSION'S
AUTHORIZING RESOLUTION

I, Lawrence J. Anderson, do hereby certify that I am the duly appointed and acting Secretary of the Minnesota Public Service Commission, an agency authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a motion made and passed at a meeting of the Commission duly and properly called and held on the 25th day of March, 1974; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the Minutes of said meeting and that it has not been rescinded or modified:

Item 278. It was moved that a public hearing be convened on Tuesday, May 7, 1974, at 10:00 A.M., in the Hearing Room of the Commission on the Fourth Floor of the State Office Building, St. Paul, Minnesota, for the purpose of making revisions, amendments and additions to the rules of the Commission covering the Motor Bus and Truck Division, Railroad Division, Telephone Division, Local Grain Warehouse Division, Public Storage Warehouse Division, and the Rules of Practice, pursuant to the provisions of M.S.A. Section 15.0412.

Motion adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the Minnesota Public Service Commission.

Dated this 3rd day of April, 1974.

Secretary

(S E A L)

ORIGINAL

APPROVED BY COMMN.

Approved of record
3-25 1974
Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE PUBLIC SERVICE COMMISSION

Karl F. Rolvaag Chairman
Ronald L. Anderson Commissioner
Robert W. Carlson Commissioner

In the matter of Proposed Revisions, Amendments and Additions to the Rules of the Minnesota Public Service Commission relating to the Telephone Division, the Bus and Truck Division, the Grain Warehouse Division and Railroad Engineering under the jurisdiction of the Department of Public Service.

Docket No. A-8117-9

ORDER FOR HEARING

IT APPEARING that the rules of the Minnesota Public Service Commission, hereinafter Commission, have not been reviewed since 1972 and that changes in statutes, trade practices and methods of operation in regulated industries require that Commission staff be permitted to recommend and suggest revisions in these rules; and

IT FURTHER APPEARING that under the provisions of M.S.A. Section 15.0412 the Commission is required by law to hold a public hearing to permit all parties of interest to come forth and be heard with respect to the revision, amendment or adoption of rules; and

IT FURTHER APPEARING that requests from the divisions involved have been received asking that such a hearing be held;

IT IS NOW THEREFORE ORDERED:

O R D E R

That a public hearing on rules relating to the above-captioned division be held in the Hearing Room of the Commission on the Fourth Floor of the State Office Building, St. Paul, Minnesota 55155, on Tuesday, May 7 through Friday, May 10, 1974, commencing at 10:00 a.m. each day and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard; and

IT IS FURTHER ORDERED that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and to all persons who are presently members of the Minnesota Legislature.

BY ORDER OF THE COMMISSION

/s/ LAWRENCE J. ANDERSON

Lawrence J. Anderson
Secretary

Dated at Saint Paul, Minnesota,
this 25th day of March, 1974.

(S E A L)

APPROVED BY COMMN.

KFR
DC

Approved of Record
4-1 1974
Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE PUBLIC SERVICE COMMISSION

Karl F. Rolvaag Chairman
Ronald L. Anderson Commissioner
Robert W. Carlson Commissioner

In the matter of Proposed Revisions, Amendments and Additions to the Rules of the Minnesota Public Service Commission relating to the Telephone Division, the Bus and Truck Division, the Grain Warehouse Division and Railroad Engineering under the jurisdiction of the Department of Public Service.

Docket No. A-8117-9

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1971, Section 15.0412, Subd. 4, in the above-entitled matter, in the Public Service Department Hearing Room, Fourth Floor, State Office Building, St. Paul, Minnesota, on May 7 through May 10, 1974, commencing at 10:00 a.m. (CDST) each day, and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing. In addition, the record of the hearing will remain open for twenty (20) days following adjournment and written comments may also be submitted during this period.

The Commission proposes to amend its rules relating to the following matters:

MINNESOTA REGULATIONS PUBLIC SERVICE COMMISSION

CHAPTER SEVEN TELEPHONE DIVISION

HEARING SCHEDULE: 10:00 a.m.(CDST) May 7

Proposed rules will relate to Model Service Standards as concerns Records and Reports Metering; Customer Relations; Engineering; Inspections and Tests and Safety.

For Copies of Proposed Rules or Amendments or for further information, contact: Richard McMillen, Telephone Division Director, 400 State Office Building, St. Paul, Minnesota 55155; telephone number 296-2387.

MINNESOTA REGULATIONS PUBLIC SERVICE COMMISSION

CHAPTER ONE, TWO BUS AND TRUCK DIVISION

HEARING SCHEDULE: 10:00 a.m.(CDST) May 8

New Rules and Amendments will be proposed relating to the definition of "mobile home"; PSC 1(o); PSC 2(c); PSC 2(e); PSC 2(f); PSC 2(j)(2); PSC 2(n); PSC 2(q); PSC 2(s)(2); PSC 2(s)(7); PSC 2(s)(8); PSC 2(t); PSC 2(u)(3)(aa)(aa-1); PSC 3(j)(3); PSC 5(a)(1); PSC 5(k); PSC 6(q)(5); PSC 43; PSC 44(a).

For Copies of Proposed Rules or Amendments or for further information, contact: Don Berg, Bus and Truck Division Director, 400 State Office Building, St. Paul, Minnesota 55155; telephone number 296-3571.

MINNESOTA REGULATIONS PUBLIC SERVICE COMMISSION

CHAPTER NINE GRAIN WAREHOUSING AND MARKETING

HEARING SCHEDULE: 10:00 a.m.(CDST) May 9

It is proposed to repeal all existing rules and replace them with a more comprehensive and detailed set of regulations covering the requirements of grain warehousing. The proposed rules will, for the first time, set forth explicitly procedures which have come into being over the years as trade practices and which are, for the most part, generally observed at the present time. Definitions are provided and methods established which will clarify the rights, privileges and responsibilities of warehousemen and their patrons.

For Copies of Proposed Rules or Amendments or for further information, contact: Leo J. Ambrose, Warehouse Division Director 312 Grain Exchange Building, Minneapolis, Minnesota 55415; telephone number 333-5291.

MINNESOTA REGULATIONS PUBLIC SERVICE COMMISSION

CHAPTER EIGHT ENGINEERING RULES AND SPECIFICATIONS

HEARING SCHEDULE: 10:00 a.m.(CDST) May 10

New Rules PSC 220 through PSC 225 replacing existing Rules PSC 220-232 relating to railroad engineering aspects under the jurisdiction of the Department of Public Service and the Public Service Commission: highway-railroad grade crossings, signs, pavement markings, signals and gates, plan approval, operating license, watchman, flagman, railroad bridges, clearances, railroad accident reports and track safety standards.

For Copies of Proposed Rules or Amendments or for further information, contact: Merritt Linzie, Engineer of Railway Negotiations, 513 Highway Building, St. Paul, Minnesota 55155; telephone number 296-2452.

Copies of the Proposed Rules and Amendments will also be available at the door on the date of the hearing.

BY ORDER OF THE COMMISSION.

/s/ LAWRENCE J. ANDERSON

Lawrence J. Anderson
Secretary

SERVICE DATE: April 3, 1974.

(S E A L)

STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

AFFIDAVIT

Jane A. Turnquist, being first duly sworn, upon oath deposes and says:

1) That she is an employee of the Minnesota Public Service Commission of the State of Minnesota.

2) That on the 2nd day of April, 1974, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 1971, Section 15.0412.

3) That on the 2nd day of April, 1974, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Jane A. Turnquist

Subscribed and sworn to
before me this 2nd day of
April, 1974.

Elizabeth L. Woodhouse

Notary Public, Ramsey County,
Minnesota
My commission expires Feb. 6, 1980

ELIZABETH L. WOODHOUSE
Notary Public, Ramsey Co. Minn.
MY COMMISSION EXPIRES
Feb. 6, 1980

State of Minnesota)
(SS
County of Ramsey)

AFFIDAVIT

OF MAILING

Docket No. A-8117-9

Jane A. Turnquist, being first duly sworn, deposes and says:

That on the 3rd day of April, 1974, at the City of St. Paul, County of Ramsey, State of Minnesota, (s)he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons at the addresses shown on the attached mailing list.

Jane A. Turnquist

Subscribed and sworn to before me this 3rd day of April, 1974.

Elizabeth Lawrence Ramsey

Notary Public

My Commission expires

ELIZABETH L. WOODHOUSE
Notary Public, Ramsey Co., Minn.
MY COMMISSION EXPIRES
Feb. 9 1980

STATE OF MINNESOTA)
) SS
COUNTY OF RAYSEY)

CERTIFICATE

In the matter of Proposed Revisions, Amendments and Additions to the Rules of the Minnesota Public Service Commission relating to the Telephone Division, the Bus and Truck Division, the Grain Warehouse Division and Railroad Engineering under the jurisdiction of the Department of Public Service.

Docket No. A-8117-9

I hereby certify that the attached 340 labels & one sheets constitute the complete list of persons, associations, and other interested groups who as of 10:30 o'clock, A .M. this 2nd day of April, 1974, have requested pursuant to M.S. 1971, Section 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Arlen I. Erdahl
SECRETARY OF STATE

By Neil Dion

STATE OF MINNESOTA

COUNTY OF RAMSEY

"ORIGINAL"

APPROVED BY COMMN.

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MINNESOTA

Approved of Record

9-9 1974

Secretary

Karl F. Rolvaag Chairman
Ronald L. Anderson Commissioner
Robert W. Carlson Commissioner

In the Matter of Proposed Revisions, Amendments and Additions to the Rules of the Minnesota Public Service Commission Relating to the Telephone Division, the Bus and Truck Division, the Grain Warehouse Division, and Railroad Engineering under the Jurisdiction of the Department of Public Service.

Docket No. A-8117-9

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Minnesota Public Service Commission of the State of Minnesota on the 7th, 8th, 9th and 10th day of May, 1974, commencing each day at 10:00 A.M., in the Hearing Room of the Minnesota Department of Public Service, 410 State Office Building, St. Paul, Minnesota. Proper notice as required by Minnesota Statutes 1971, Section 15.0412 was served upon all persons deemed appropriate by the Secretary of the Commission, as well as upon persons, associations and other intersted groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard or read all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, the Commission finds the following:

TELEPHONE DIVISION

I

Chapter 7 of the Rules and Regulations of the Public Service Commission, Department of Public Service, which relate to service supplied by telephone utilities in the State of Minnesota, was last modified in 1968 and was included in Part C of the 1970 edition of the Rules and Regulations of the Commission.

II

The proposed amendments to the telephone rules and regulations have been suggested by the staff of the Telephone Division of the Minnesota Department of Public Service, and are based upon The Model Communications Rules developed by the National Association of Regulatory Utility Commissioners. These model rules were established by the NARUC Committee on Communications as "A set of criteria which is generally recognized as being, on the one hand, reasonable and economically attainable, and on the other, representative of levels which if poor, indicate the need for scrutiny of the service and possible corrective action." (See PSC Exhibit No. 4 relating to Telephone Division rules).

III

The following rules and regulations relating to telephone service have been amended without controversy and without comment from interested parties prior to the hearing in this matter, at the hearing of this matter, or during the twenty (20) day period following the hearing during which the record of the proceedings remained open:

PSC 171, Application of Rules

Paragraph (b) was amended so as to delete a reference to "long distance messages." The amendment leaves the paragraph more reflective of the actual regulatory jurisdiction of the Public Service Commission.

Paragraph (e) of this rule was expanded to reflect the responsibility of a telephone utility to meet its obligations, not only under the statutes of the State of Minnesota, but in addition, under the rules of the Minnesota Public Service Commission.

PSC 172, Definition

This section of the telephone rules, the definitions section, was expanded to include the definition of 17 additional terms. No existing definitions were deleted, and the additional definitions are necessary to a clearer understanding of the expanded regulations.

PSC 176, Meter Reading Records

The scope of the application of this section was expanded by replacing the term "telephone service" with the broader term "telecommunications service." This change is prompted by the NARUC Model Rules and recognizes technological sophistication in the telephone industry.

PSC 182, Insufficient Reasons for Denying Service

The number of insufficient reasons for denying telephone service enumerated in this section was expanded to include "failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of resident service or vice versa." This change reflects the difference between business and residential classes of service.

PSC 184, Held Applications

This section was amended by adding a paragraph (c) as follows: "Ninety percent of the utility's commitments to customers as to the date of installation of regular service orders shall be met excepting customer caused delays and acts of God." This language is taken verbatim from the NARUC Model Rules.

PSC 185

No substantive changes were made to this rule, however, several minor housekeeping type changes have been adopted for the sake of clarity.

PSC 191, Selective Ringing

The reference in this section to "telephone utility" was changed to "telecommunications," thus making it consistent with the expanded scope of the amended rules.

PSC 203, Basic Utility Obligations

This section sets forth the basic obligations of the telecommunications industry in Minnesota. Under the proposed amendments the scope of the section is expanded by requiring the utilities under subparagraph (c) to measure its level of service in light of the standards provided in other areas of the rules. Records of these measurements are to be retained by the utilities and

provided upon request to the Commission or its staff. This addition to the regulations relating to telephone utilities reinforces the surveilance authority and responsibilities of the Telephone Division of the Department of Public Service.

PSC 205, Answering Time

This section is amended to impose upon the telephone companies increased responsibility to respond to repair service calls to the business office, as well as other calls to the business office within twenty seconds. Such a standard is deemed necessary in light of the emergency nature of some service repair requests.

PSC 206, Dial Service Requirements

This section relating to "Dial Service Requirements" was amended to provide more stringent standards for attainment of dial tone and for availability of trunks. The newer more stringent standards are those suggested by the National Association of Regulatory Utility Commissioners and set a realistic objective for modern day telecommunications equipment.

PSC 207, Interoffice Trunks

This section was amended to indicate a minimum completion rate as a point below which investigative action by the utility must be undertaken to improve availability of toll and local interoffice trunks. This amendment has the effect of limiting the discretion of the telephone utility with respect to when it will or will not take corrective action to improve the availability of local interoffice or toll connecting trunks.

IV

Proposed amendments to the following rules and regulations generated comment and controversy at the public hearing of May 7, 1974. The Department of Public Service Telephone Division staff, representatives of the telephone utilities and other interested parties have met to discuss these proposed changes at the direction of the Commission subsequent to said hearing.

PSC 174, Retention of Records

A somewhat controversial aspect of the amendment of this section was the addition of a subparagraph (c) which requires telephone utilities to report disruptions of service affecting a substantial number of the telephone company's subscribers. Concern was expressed over the vagueness of this new provision. However, the staff argued that due to the great differences between telephone companies, the need for considerable flexibility in this provision was justified. Consequently, what constitutes "a substantial number of customers" under this new provision will initially be the decision of the telephone utility, but ultimately may be a decision for the Public Service Commission.

PSC 175, Data to be Filed with the Commission

This section was amended to include a requirement for the filing of accident reports by the telephone utilities with the Commission. After considerable discussion regarding the potential usefulness to the Commission in terms of carrying out its regulatory functions, the Commission has decided to eliminate the proposed amendment relating to accident reporting under this section. This decision was also made in light of PSC 213(b) which requires the telephone utilities to assist the Commission in the investigation of accidents.

PSC 179, Customer Billing

A revision in paragraph (b) of this section imposes upon the telephone company the affirmative duty to inform subscribers that in the event a dispute over a bill is not reconciled, that the customer may make application to the Minnesota Public Service Commission for review and disposition of the matter. Industry representatives suggested that such referrals to the Commission be made only upon request of the subscriber. However, the Commission finds that many telephone subscribers would not be in the position to be aware of the regulatory authority of the Minnesota Public Service Commission

in these matters. Consequently, it would be appropriate for the telephone company involved in a dispute to appraise a given subscriber of the authority of the Commission.

Changes to proposed paragraph (c) were also suggested by the telephone industry. Their modification would require some type of written verification of reports of interrupted service by subscribers prior to adjustments to billings. The Commission finds no evidence that telephone subscribers in the State are abusing the potential for adjustments in their phone bills by submitting falsified service trouble reports. Consequently, written trouble reports by subscribers are deemed unnecessary at this time.

Two additional paragraphs (d) and (e) have also been added to PSC 179. These paragraphs impose upon the telephone utilities the requirement of explaining, upon request of any customer, all rates, charges and provisions applicable to the service furnished or available to such customer or applicant. In addition, where some special charges may be levied against a particular subscriber due to extraordinary construction or maintenance expenses incurred by the company, an estimate of such charges shall be provided to the customer. These new paragraphs had formerly been included in PSC 180, "Customer Deposits," and the Commission finds that such matters are more appropriately included in PSC 179.

PSC 180, Customer Deposits

This section of the rules was amended in such a way as to allow telephone utilities to require as a condition of continued telephone service, a deposit, in an amount not to exceed the estimated two months total telephone service billing. This addition to the existing rule allowing deposits upon the initial installation of telephone service is found to be reasonable in light of the experience of the utilities that certain customers do not pay bills promptly or at all.

In addition, PSC 180 is redesignated as "Business Office Operations" with two subsections, one relating to general business office practices, and another relating to customer deposits. This redesignation of the rule and reorganization of its contents result in no substantive changes other than the one previously discussed. However, for purposes of clarity, the Commission feels the reorganized rule is an improvement.

PSC 181, Reasons for Denying Service

This rule sets forth reasons for denying service deemed acceptable. A suggestion by industry that the phrase "reasonable time" in the preamble to this rule be replaced by the words "five days" has been considered by the Commission and not adopted for the reason that the existing language allows for needed flexibility in the administration of the rule.

Industry suggested that an 8th reason for denying service be allowed, i.e., for the failure of a subscriber to grant an easement to a phone company to provide for the plowing in of a line for a trunk terminal to the house. This suggestion has also been considered and not adopted for the reason that the Commission has concluded that this matter is beyond its regulatory jurisdiction.

PSC 183, Customer Complaints

This rule has been amended to include language similar to that added to PSC 179(b), (see discussion supra). This rule change makes this rule consistent with previous rules and expresses clearly the Commission's policy in this matter.

PSC 193, Emergency Operation

An industry suggestion that the proposed language in paragraph (b) that "each central office shall contain as a minimum 4 hours of battery reserve" be changed to provide that "each central office shall be engineered so as to contain as a minimum 4 hours of battery reserve" has been considered and not adopted by the Commission. There is nothing in the record to support the suggested modification by the telephone industry. In addition, the suggested new language of the rule is that recommended by the NARUC Model Rules.

PSC 201, Test Records

This section has been amended to allow for the testing of metering and/or recording equipment related to customer billing upon the request of the customer. In paragraph (c) language is added which is similar to that which has been added in previous rules, namely that in the event a dispute arises between the telephone company and a subscriber with respect to metering, that the company has a duty to inform the customer that he may appeal the dispute to the Minnesota Public Service Commission.

PSC 211, Interruptions of Service

This section sets certain objectives for telephone utilities operating within the State of Minnesota. One such objective which is suggested in paragraph (e) is that the average rate of all customer trouble reports within an exchange should be no greater than 6.5 per one hundred telephones per month. Industry representatives argued at the hearing that perhaps this objective will be difficult to obtain for certain small telephone companies at the present time. The Commission is cognizant of the concerns of the telephone industry in this regard, but sees no danger in setting an objective which has been recommended by the National Association of Regulatory Utility Commissioners as technologically attainable at the present time.

GRAIN WAREHOUSE DIVISION

V

The existing rules relating to public local grain warehouses (Ch. 10, Part C, 1970 ed. of Rules and Regulations of Minnesota Public Service Commission) have not been altered except for minor amendments in more than 25 years, and are wholly inadequate to meet the needs of the Commission and the regulated industry imposed by the demands of modern grain marketing activity. The Commission, therefore, finds that substantial alteration of, and addition to, the existing rules is necessary, and that the best way to achieve necessary reform and clarity is to redraft Chapter 9 of its Rules and Regulations.

VI

The new rules contain specific procedures which set forth for the guidance of Commission staff and regulated industries the methods to be used in dealing with the recurring problems in the field of public grain warehousing.

VII

The rules as proposed at the public hearing held on May 9, 1974, were acceptable to all parties of interest in attendance thereat, with the exception of proposed PSC 248(f), 248(j), 248(k) and 249(e). All facts regarding the remaining rules are as they appear on the record of the official transcript. The proposed changes upon which there was some disagreement have been the subject of conferences involving all interested parties, including the Commission or its representatives, during the period of time subsequent to the aforementioned hearing, and will be discussed individually below:

PSC 248, Public Local Grain Warehouses

PSC 248(f), as proposed, should be modified by striking on line 9 following the word "advances," the balance of that sentence and inserting, in lieu thereof, a period and new language as follows:

> The value of the grain in question shall be determined on the basis of the market value, less freight charges, at the time of such loss or damage, at the terminal market selected by the warehouseman for the purpose of determining cash value on his insurance reporting form for the preceding month.

The reason for this modification of the proposed rule which relates to the valuation of grain for insurance claim purposes is due in part to concerns voiced by representatives of the insurance industry. It was suggested that the rules as proposed which contain a method for determining the cost or value of grain at the time of loss or damage could be an invitation to fraud. Under the proposed language, if there were loss or damage to grain, the warehouseman would be required to settle on the basis of the most recent

market value of that grain as determined by the selling price paid locally at closing on the day preceding the loss. The adopted language would have the effect of discouraging criminal activity prompted by a desire to take advantage of locally high grain prices and/or to avoid transportation charges to the selected terminal. (Transcript dated May 9, 1974, Volume III, pages 13-15). This is not a major or substantive change in the rule as proposed.

PSC 248(j) relates to grain being handled by a warehouse for a special purpose such as drying without the ultimate storage of such grain. The language as proposed at the May 9th hearing should be clarified by inserting on line 3, following the word "hours," new language as follows:

> following completion of the service for which the grain was tendered, or subsequent to the spotting of an acceptable vehicle for the transportation of same,

The purpose of this change in the proposal is to spell out in more detail the point from which the 24 hour grace period contained in this provision begins to run. (Transcript hearing May 9, 1974, Volume 3, page 22).

PSC 248(k) generated the most controversy of all the proposed grain warehousing rules and cogent reasons were advanced by both the proponents and opponents of its adoption. The rule relates to the ability of a warehouseman to issue a receipt for grain to himself and use said receipt for collateral. One substantive reason suggested in support of the rule is found in the record wherein it was suggested that the existing regulations of the Commission penalize State licensed warehouses by prohibiting them from using their own grain as collateral, while the practice is permitted in warehouses licensed by the federal government. On the other hand, however, a convincing argument was also made that permitting such practice would be contrary to certain provisions of Minnesota Statutes 232 governing public local grain warehouses. The Commission finds that in view of the opposing substantive arguments that the most equitable course is to delete the proposed rule and neither permit nor prohibit the practice of collateralizing company-owned grain, but rather to confront problems which may arise in this area on the peculiar facts of

each given situation. (Transcript hearing May 9, 1974, Volume III, pages 24-30). In addition, the deletion of 248(k) as proposed requires relettering of those rules following 248(k).

PSC 249, General Provisions

PSC 249(e) as proposed should be clarified by striking, on line 2, following the word "exceed," the balance of the rule and inserting, in lieu thereof, the following new language:

> the tariff which has been filed with the Commission by the warehouseman assessing such charge. All filed tariffs must comply with the provisions of Minnesota Statutes, Section 233.10.

This change in the proposed language of PSC 249(e) reflects the fact that the current charge for storing grain in warehouses at a statutory maximum of 1-15th of a cent per bushel per day is subject to change by the legislature from time to time, and the new language suggested would eliminate the need for corresponding amendments to Commission regulations.

RAILROAD ENGINEERING DIVISION

VIII

Chapter 8 of the Rules and Regulations of the Minnesota Public Service Commission, Department of Public Service, which relate to specifications for signs and signals for installation at highway railroad grade crossings in the State of Minnesota, was last modified in 1970 and included in Part C of the 1970 edition of the Rules and Regulations of the Commission.

IX

Although minor changes of the rules have been made as recently as 1970, the Commission finds that a major rewriting of this section of its rules is necessary in light of changes recommended particularly by certain federal agencies in this area of the Commission's regulatory jurisdiction. A great many of the changes adopted in the Railroad Engineering Division rules were patterned after suggestions contained in the Signal Manual of

the Association of American Railroads, Communications and Signal Section, which is a signal manual of recommended practices. In addition, certain practices of the United States Department of Transportation, the Federal Highway Administration, and the Federal Railroad Administration have had an influence on the language contained in the new rules.

X

During the public hearing on this section of the Commission Rules, at which all major railroads operating within the State were represented, there was general agreement with regard to the great majority of the proposed rules. However, there were certain modifications suggested, which modifications have been duly considered by the Commission, and which are discussed as appropriate below:

PSC 220, Introduction

It was suggested at the hearing on May 10, 1974, by industry, that the "Definitions" paragraph of this rule be expanded to include a definition of the term "railroad crossing." The Commission has considered this suggestion, has reviewed the matter with staff, and has found the additional definition to assist a potential reader in his understanding of the rules. Consequently, the term "railroad crossing" has been defined at PSC 220(b)(6) to mean "The intersection of one or more railroad tracks at grade with a public way."

In addition, it was suggested at the hearing by industry that a sentence be included in this introductory rule to indicate that these rules as adopted in 1974 were not intended to be retroactive, but rather prospective in their application. The Commission finds that this was the intent of the staff in proposing the amended rules and, therefore, has ordered that the rules as adopted contain the following statement at PSC 220(a):

> These rules and specifications set forth in this Chapter 8 are not retroactive, but are intended to apply to future replacements and installations, and to existing installations that are significantly changed, modified or reconstructed. Installations already lawfully in place are not to be considered in violation of these rules.

(Transcript, Volume IV, pages 9-11).

PSC 221, Highway - Railroad Grade Crossings

Paragraph (b)(5) of this section was the subject of some controversy at the hearing. Industry representatives suggested that the proposed language be amended to indicate that stop signs at designated stop crossings are the responsibility of public road authorities. It was suggested by staff, however, that in certain instances stop signs are attached to railroad crossbucks, and in such instances should be the responsibility of the railroad. To accommodate both positions, the Commission finds that the proposed language of PSC 221(b)(5) should be modified in such a way that crossbuck-mounted stop signs will be the responsibility of the railroad and that separately mounted stop signs shall be the responsibility of the public road authority. (Transcript, Volume IV, pages 21-26).

Paragraph (c) has been modified pursuant to comments of industry which suggest that it should be made clear in the rules that pavement markings in advance of a railroad crossing should be the responsibility of the road authority.

Paragraph (d)(1) was the subject of considerable discussion during the hearing. It was suggested by the railroads that the language proposed would constitute an undue burden on the industry as they seek to maintain existing signal circuits and other grade crossing signalization components. The thrust of the railroad's argument is that although a component of a particular signal system may not be the most technologically advanced available, it may still serve to provide a safe, hazard free grade crossing. In an effort to clarify the intent of the controversial provision in question, the following language has been adopted as part of PSC 221(d)(1):

> Wherever control circuits or warning devices are altered, such alterations shall not continue the use of obsolete control circuits or warning devices which create an unsafe or hazardous condition.

In the interest of providing additional clarity in the rules the third paragraph of PSC 221(d)(2) as proposed has been modified to remove

the reference to "competent engineers." The Commission finds that whether one is or is not a "competent engineer," for the purposes of this section is not clarified elsewhere in the rules and is subject to counter-productive debate. (Transcript, Volume IV, pages 32-38).

PSC 222, Bridges

During the hearing on the proposed rules, there was discussion regarding the appropriate language in PSC 222(b) entitled "Walkways on Railroad Bridges." The Commission finds after reviewing the record that the following standard in this section is appropriate:

> All new or reconstructed bridges carrying railroads shall have walkways and handrails on both sides conforming to legal clearances.

This position assures the safety of railroad personnnel and others, and in addition, is consistent with prior positions of the Commission. (Transcript, Volume IV, pages 51-58; and also see PSC Exhibit No. 4).

PSC 223, Clearances

This rule implements Minnesota Statutes, Sections 219.45 to 219.55. The Commission may grant variances from legal clearance requirements after hearing or may require the installation of such additional clearance signs as the interest of safety might require. The Commission finds that the language as adopted meets the statutory requirements, and in addition, allows the Commission needed flexibility in administering the law.

PSC 224, Railroad Accident Reports

The federal forms adopted for use by the Public Service Commission in this section achieve the desired purpose of providing all necessary rail accident information to the Minnesota Public Service Commission, and in addition, avoids unnecessary duplication of effort by industry. In addition, the rule clearly spells out those instances in which accident reporting is required.

PSC 225, Track Safety Standards

In this rule the Commission adopts by reference the track safety standards recommended by the United States Department of Transportation, Federal Railroad Administration, Office of Safety. The provision herein that such federal standards shall apply to all railroads has been modified to indicate that such standards apply to all "railroad trackage" so that it is clear that certain trackage within the State of Minnesota not owned by a railroad would also be subject to the federal standards.

BUS AND TRUCK DIVISION

XI

Chapters 1 and 2 of the Rules and Regulations of the Public Service Commission relate to motor transportation activities within the State. These chapters constitute Part A of the 1970 edition of the Minnesota Public Service Commission, Department of Public Service Rules and Regulations. These rules were last modified in 1972, and such modifications are found in the 1973 supplement to Part A of the 1970 edition of the Commission Rules.

XII

Amendments as indicated to the following rules have been adopted by the Commission:

PSC 1, Definitions

The letters used to designate different types of carriers have been clarified in paragraph (c). In addition, the terms "petroleum transport" and "mobile home" have been defined to enhance the readers understanding of the Bus and Truck Rules. The letter designations and newly defined terms are used at various places throughout the rules and their clarification is necessary to any informed reading of the rules.

PSC 2, Commission Action

Changes have been adopted in this rule which clarify required identification of registered vehicles including local cartage carrier

vehicles. In addition, it is made clear that local cartage carriers must maintain "carrier identification authority" cards within the cab of all vehicles.

PSC 2(j)(2) is redesignated to (i)(2) and expanded to require that carriers receiving an extension of authority must also comply with tariff filing requirements and other requirements of the Commission within thirty (30) days of the issuance of such extension, or such additional authority will be nullified.

PSC 2(q) is redesignated to (p) and is expanded to reflect a recent change in State Law lowering the legal age from 21 to 18 years.

PSC 2(r)(2) has been amended to adopt certain provisions relating to insurance coverage for household goods under Part 1307 of the Rules and Regulations of the Interstate Commerce Commission regulating household goods moving in interstate commerce. This rule which requires a written affirmation by the shipper that he accepts a release value of 60¢ per pound per article has formerly been applicable only to interstate shipments of household goods and by adopting the amendment herein will now be applicable as well to intrastate household goods shipments. This amendment will bring about a significant improvement in consumer protection with respect to damage claims related to the movement of household goods. (Transcript, Volume II, pages 14-16).

PSC 3, Records

PSC 3(j)(3) has been amended to indicate that accident reports may be made on the U. S. Department of Transportation, Motor Vehicle Accident Report Form. This modification eliminates unnecessary duplication of effort by interstate carriers also operating intrastate.

PSC 6, Drivers

Paragraph 6(q)(5) indicates that petroleum transports may not exceed 60 miles per hour upon Minnesota streets and highways. This section has,

of course, been amended to allow for recent reductions in maximum speed limits due to energy conservation efforts. To avoid future inconsistencies, the rule has been amended to say that transports may not be operated in such a way as to exceed the "prevailing maximum speed limits."

PSC 44, Insurance - Regular Route Common Carriers of Passengers and Charter Carriers of Passengers

PSC 44(b) has been amended to increase the required amounts of insurance on passenger equipment. These new minimum amounts are consistent with those required by the federal government for interstate carriers.

PSC 45, Insurance - Regular Route Common Carriers of Freight and Permit Carriers of Freight

In addition to increasing the minimum amounts of insurance coverage under this section of the rules, the scope of rules is also expanded to extend to local cartage carriers in addition to permit carriers. The Commission finds that such amendment is in the best interest of the shipping public. In addition, the increased minimums are consistent with the requirements of the federal government for interstate carriers. (Transcript, Volume II, pages 34-38).

PSC 46, Insurance - Petroleum Carriers

PSC 46(b) was amended to increase the minimum amounts of public liability and property damage insurance required of all petroleum carriers operating under authority in Minnesota. The new minimums are consistent with those required of interstate carriers by the federal government.

Lawrence J. Anderson
Secretary

APPROVED BY COMMN.

"ORIGINAL"

Approved of Record
9-9 1979
Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MINNESOTA

Karl F. Rolvaag — Chairman
Ronald L. Anderson — Commissioner
Robert W. Carlson — Commissioner

In the matter of Proposed Revisions, Amendments and Additions to the Rules of the Minnesota Public Service Commission relating to the Telephone Division, the Bus and Truck Division, the Grain Warehouse Division and Railroad Engineering under the jurisdiction of the Department of Public Service.

Docket No. A-8117-9

STATEMENT OF NEED

The above captioned matter relates to amendments to the existing rules of the Minnesota Public Service Commission.

RAILROAD ENGINEERING DIVISION

The proposed rules update the specifications for signs and signals last approved on September 14, 1970, and expand rules and procedures for other areas of railroad engineering under the jurisdiction of the Minnesota Public Service Commission.

The existing rules need updating in order to implement in Minnesota changes which have been adopted in national, state and industrial standards for signs and signals at railroad crossings. In addition, the Division needs better methods of procedure as a guide for the conduct of its activities. The proposed rules reiterate and update some long-standing orders of the Commission in areas of walkways on bridges, general clearances and railroad accident reporting. The remaining new rules adopt existing national standards for billing and track standards and, in addition, add certain definitions.

TELEPHONE DIVISION

It is proposed that the rules of the Commission relating to the regulation of telephone utility companies within the state of Minnesota be amended so as to bring them in line with the Model Communications Rules adopted by the National Association of Regulatory Utility Commissioners, September 20, 1973. In addition, the proposed rules changes reflect new state legislation, technical advances in the industry, increased demand by the consumer for higher standards of service, and an effort to achieve a higher degree of uniformity within the industry on a nationwide scale.

GRAIN WAREHOUSE DIVISION

The reason for repealing existing rules and replacing them with the proposed regulations before the Commission is to set forth explicitly procedures which have come into being over the years as trade practices and which are, for the most part, generally observed at the present time. Particularly the definitions section fills a need that has been apparent for many years. In addition, the methods of procedure which are now set forth for the first time in written form will provide substantial assistance for the staff who must enforce the statutes and Commission rules as well as provide guidelines for the regulated industry. Existing rules are not only too vague to be meaningful, but are wholly inadequate to provide guidelines for the day-to-day operation of the Local Grain Warehouse Division. The last time the Grain Warehouse Division rules were amended was 1968.

BUS AND TRUCK DIVISION

The rules relating to the operation of the Bus and Truck Division were last amended in 1973. Consequently, only minor revisions are deemed necessary at this time. Nevertheless, certain specific changes must be made: First, there is a need for improved rules for vehicle registration identification. Second, the State will benefit from the adoption of additional federal motor

safety regulations. Third, the proposed amendments provide certain uniform definitions compatible with those of the Interstate Commerce Commission. Finally, various revisions were deemed necessary to conform to recent changes in State statutes.

Lawrence J. Anderson
Director/Secretary

CERTIFICATE OF COMMISSION'S
ADOPTION OF RULES RESOLUTION

I, Lawrence J. Anderson, do hereby certify that I am the duly appointed qualified and acting Secretary of the Minnesota Public Service Commission, an agency authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a motion made and passed at a meeting of the Commission duly and properly called and held on the 9th day of September, 1974; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the Minutes of said meeting and that it has not been rescinded or modified:

Item 771. RESOLVED that the rules pertaining to the Bus and Truck Division, the Telephone Division, the Railroad Engineering Division and the Local Grain Warehouse Division, as presented, be and the same hereby are approved and adopted pursuant to authority vested in the Minnesota Public Service Commission under the provisions of M.S.A. Section 15.0412; and that the Secretary of the Commission be and he hereby is authorized and directed to transmit the aforesaid rules and amendments to the office of the Attorney General for approval.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the Minnesota Public Service Commission.

Dated this 9th day of September, 1974.

Secretary

(S E A L)

APPROVED BY COMMN.

Approved of Record

9-7, 1976

Secretary

RESOLUTION

RESOLVED that the rules pertaining to the Bus and Truck Division, the Telephone Division, the Railroad Engineering Division and the Local Grain Warehouse Division, as presented, be and the same hereby are approved and adopted pursuant to authority vested in the Minnesota Public Service Commission under the provisions of M.S.A. Section 15.0412; and that the Secretary of the Commission be and he hereby is authorized and directed to transmit the aforesaid rules and amendments to the office of the Attorney General for approval.

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General John Van de North, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

John B Vande North

Special Assistant Attorney General

Dated: Sept 9, 1974