

CODE OF EMERGENCY FEDERAL REGULATIONS

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**Change No. 5**

1. Material transmitted. This Change No. 5 to the CEFR consists of a revision of the standby regulations of the Interstate Commerce Commission (Chapter 34).
2. Filing instructions.

REMOVE

Pages 34-1-1 through  
34-14-2.

INSERT

Revised pages 34-1-1 through  
34-15-2.

November 1, 1969.

[EPR Doc. 34-1]

**GENERAL ORDER ICC TM-1**

As amended July 31, 1969

**PREFERENCE AND PRIORITY FOR THE TRANSPORTATION BY CARRIERS FOR HIRE OF  
UNITED STATES MILITARY PERSONNEL, ACCREDITED CIVIL DEFENSE WORKERS,  
AND UNITED STATES MAIL**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use of intercity for-hire passenger equipment for the preferential transportation, in interstate or foreign commerce, of Department of Defense uniformed or civilian personnel in official travel status and accredited Federal or State personnel in official travel status on civil defense or mobilization assignments. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-1 is hereby amended to read as follows:

**Sec.**

1. Transportation of United States military personnel, accredited civil defense or mobilization personnel, and United States mail.
2. Applicability.
3. Definitions.
4. Communications.

**AUTHORITY:** Section 1 to 4, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154, Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2 (b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Transportation of United States military personnel, accredited civil defense or mobilization personnel, and United States mail.** Each carrier for hire operating intercity passenger service shall give preference and priority over all other traffic to the transportation of uniformed or civilian personnel of the armed forces of the United States and its allies in official travel status, to military recruits in travel status, and to accredited Federal or State personnel in official travel status on civil defense or mobilization assignments, and where necessary to accord such preference and priority, shall limit or restrict the number of other passengers trans-

ported on any intercity passenger vehicle operated by such carriers: Provided further, That any such carrier under contract or other arrangement to transport United States mail in connection with the operations of intercity passenger service shall likewise give preference and priority to such mail over all other cargo, except baggage of passengers being transported.

Sec. 2. **Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 3. **Definitions.** As used in this order (§ 1 to 4, inclusive):

(a) The term "carrier for-hire" means any carrier by railroad, motor vehicle, or inland waterway, which transports passengers for compensation, in intercity service.

(b) The term "intercity service" means all operations, except those wholly within an attacked area, a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.

(c) The terms "attack area", "area of attack", or "attacked area" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 4. **Communications.** Communications concerning this order should refer to "General Order ICC TM-1, as amended", and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-1, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-1, as amended June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission

[EFR Doc. 34-2]

**GENERAL ORDER ICC TM-2**

As amended July 31, 1969

**RAIL FREIGHT EMBARGO - APPOINTMENT OF PERMIT AGENT**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use of railroad equipment and facilities for the preferential transportation of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-2 is hereby amended to read as follows:

Sec.

1. General embargo on rail shipments; exceptions; permit system after 48 hours
2. Appointment of permit agent
3. Priorities
4. Applicability
5. Resumption of operations in areas of attack
6. Definitions
7. Communications

AUTHORITY: Section 1 to 7, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. General embargo on rail shipments; exceptions; permit system after 48 hours.**

(a) During the 48-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the president or by concurrent resolution of the Congress, no common carrier by railroad shall accept for movement by rail, any carload, less-than-carload, or express shipment consigned, reconsigned, or to be reconsigned to any consignee at any destination within any area which is being or has been subjected to enemy action, except shipments moving under civil defense symbol or consigned to any State or local civil defense authority, or to any establishment of the Department of Defense or Atomic Energy Commission.

(b) From and after the expiration of the 48-hour period specified above in paragraph (a) of this section, no common carrier by railroad shall accept for movement by rail, any carload, less-than-carload, or express shipment consigned, reconsigned, or to be reconsigned to any consignee at any destination within any area which has been subjected to enemy action, except under permit issued by the general permit agent designated in Section 2 of this order, or by a permit agent duly designated by such general permit agent, or by an interim permit agent provided for in Section 2 of this order.

**Sec. 2. Appointment of permit agent.** The Chairman of the Car Service Division, Association of American Railroads, is hereby designated and appointed as General Permit Agent of the Interstate Commerce Commission, with full authority to issue or withhold the issuance of permits under this order, and to designate such permit agents as may be necessary to act for him in the issuance of or the withholding of permits. No permit shall be issued authorizing the acceptance of any shipment until the permit agent has obtained clearance from the responsible railroad transportation officer that the shipment can be handled to destination.

**Sec. 3. Priorities.** Priorities in the issuance of permits shall be given as shown in Appendix A of this order.

**Sec. 4. Applicability.** The provisions of this order shall be applicable in the United States including the District of Columbia, Alaska, and Hawaii.

**Sec. 5. Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of railroad traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of rail traffic thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

**Sec. 6. Definitions.** As used in this order (§ 1 to 7 inclusive):

(a) The term "common carrier by railroad" means any carrier by railroad or any express company subject to Part I of the Interstate Commerce Act, as amended.

(b) The terms "attack area," "area of attack," or "attacked area" mean any city, town, or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

**Sec. 7. Communications.** Communications concerning this order should refer to "General Order ICC TM-2" and should be addressed to the Interstate Commerce Commission, Washington, D. C. 20423.

This General Order ICC TM-2, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-2 as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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**APPENDIX A****LIST OF PROPERTY IN RESPECT OF WHICH PRIORITY SHALL BE GIVEN IN ACCEPTING SHIPMENTS FOR TRANSPORTATION TO POINTS WHICH HAVE BEEN ATTACKED \***

1. Shipments moving under civil defense symbol, or consigned to any State or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission.
2. Food for human consumption.
3. Medical and hospital supplies, and chemicals used for sanitation and public health, milk processing, and food processing. Also caskets and funeral supplies.
4. Operating supplies, including fuel, repair parts, materials, and equipment for the operation and restoration of transportation and public utilities services, including communications, power and light, and water supply.
5. Domestic fuel.
6. Shipments moving under emergency ratings assigned by the Business and Defense Services Administration, United States Department of Commerce, for the operation and restoration of production capacity.
7. First class United States mail.
8. Newspapers.
9. Other shipments when transportation conditions will permit.

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\*Except as to the first item listed above, which shall be given priority and preference over all other items listed, the order in which the items of property are listed does not establish any precedence among the items.

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[EFR Doc. 34-3]

**GENERAL ORDER ICC TM-3**

As amended July 31, 1969

**MOTOR FREIGHT EMBARGO**

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of motor carrier freight equipment and facilities for the preferential transportation, in interstate or foreign commerce, for compensation, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-3 is hereby amended to read as follows:

Sec.

1. General embargo on motor carrier shipments; exceptions; priority system after 72 hours.
2. Resumption of operations.
3. Applicability.
4. Definitions.
5. Communications.

AUTHORITY: Section 1 to 5, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154, Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. General embargo on motor carrier shipments; exceptions; priority system after 72 hours.**

(a) During the 72-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, no motor carrier for compensation shall accept for transportation, or transport, in over-the-road service, any truckload, less-than-truckload, or express shipments consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which is being or has been subjected to enemy action, except shipments moving under Department of Defense, civil defense, or Atomic Energy direction and authority or consigned to any Federal, State or local civil defense authority, or to any establishment of the Department of Defense or the Atomic Energy Commission.



(b) From and after the expiration of the 72-hour period specified above in paragraph (a) of this section, no motor carrier for compensation shall accept for transportation, or transport, in over-the-road service, any truckload, less-than-truckload, or express shipment consigned, re-consigned, or to be reconsigned to any consignee at any destination known to be within any area which has been subjected to enemy action, except under bill of lading, shipping order or permit issued by the Department of Defense, civil defense authority, or Atomic Energy Commission, or by an agent duly designated by any of such agencies.

Sec. 2. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of motor vehicular traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of traffic by motor vehicle thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 3. **Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 4. **Definitions.** As used in this order (§ 1 to 5, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(c) The term "property" means anything, except persons, capable of being transported by motor vehicle.

(d) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, or (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property of the kinds or classes specified in this order.

(e) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area or any municipality or urban community and those within and between contiguous municipalities or urban communities.

(f) The terms "enemy action" or "area subjected to enemy action" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

**Sec. 5. Communications.** Communications concerning this order should refer to "General Order ICC TM-3 as amended" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-3, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-3, as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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[EFR Doc. 34-4]

GENERAL ORDER ICC TM-4  
as amended July 31, 1969

INLAND WATERWAYS FREIGHT EMBARGO

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of the transportation equipment and facilities of carriers by water on inland waterways, including the Great Lakes, for the preferential transportation, in interstate or foreign commerce, for compensation, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-4 is hereby amended to read as follows:

Sec.

1. General embargo on inland waterways shipments; exceptions; priority system after 72 hours.
2. Utilization of excess cargo space.
3. Resumption of operations in areas of attack.
4. Applicability.
5. Definitions.
6. Communications.

AUTHORITY: Sections 1 to 6 inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101 E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., revised items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

Sec. 1. General embargo on inland waterways shipments; exceptions; priority system after 72 hours.

(a) During the 72-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, no carrier by water shall accept for transportation, or transport, any cargo consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which is being or has been subjected to enemy attack, except shipments moving under Department of Defense, civil defense, or Atomic Energy direction and authority or consigned to any Federal, State

or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission.

(b) From and after the expiration of the 72-hour period specified above in paragraph (a) of this section, no carrier by water shall accept for transportation, or transport, any cargo consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which has been subjected to enemy action, except under bill of lading, shipping order or permit issued by the Department of Defense, civil defense authority, or Atomic Energy Commission, or by an agent duly designated by any of such agencies.

Sec. 2. **Utilization of excess cargo capacity.** Any carrier by water having unutilized and available cargo capacity in any vessel after accepting and providing for the transportation of all shipments of property of the kinds specified in Sec. 1 of this order tendered to it for transportation, is hereby authorized to use such unutilized and available cargo capacity for the transportation of property other than that specified in Sec. 1 above.

Sec. 3. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of inland waterway traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of inland waterway traffic thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 4. **Applicability.** The provisions of this order shall be applicable in the fifty States of the United States, including the District of Columbia.

Sec. 5. **Definitions.** As used in this order (§ 1 to 6 inclusive):

(a) The term "carrier by water" means any person who engages in the transportation of property for compensation by vessel on inland waterways, including the Great Lakes.

(b) The term "property" means anything, except persons, capable of being transported by vessel.

(c) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, in the transportation of property, by water, and which is documented under the laws of the United States, or is owned by a citizen of the United States, or is engaged in the transportation, by water, of property on inland waterways, including the Great Lakes.

(d) The terms "attack area", "area of attack", or "attacked area" means any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United

States suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 6. **Communications.** Communications concerning this order should refer to "General Order ICC TM-4, as amended," and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-4, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-4, as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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[EFR Doc. 34-5]

## GENERAL ORDER ICC TM-5

As amended July 31, 1969

## DISPOSAL BY CARRIERS OF UNDELIVERABLE SHIPMENTS

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of freight equipment and facilities of for-hire carriers for the preferential transportation, in interstate or foreign commerce, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-5 is hereby amended to read as follows:

Sec.

1. Undeliverable shipments (other than food, grains, feed and seed shipments); notice by carrier to shipper; removal of shipment to storage; sale of perishable property.
2. Undeliverable shipments of food, grains, feed and seed; retention by carrier; notice by carrier to shipper and Chairman of USDA Defense Board; removal of shipment to storage; sale of perishable food shipments.
3. Applicability.
4. Definitions.
5. Communications.

**AUTHORITY:** Section 1 to 4, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Undeliverable shipments (other than food, grains, feed and seed shipments); notice by carrier to shipper; removal of shipments to storage; sale of perishable property.**

(a) From and after any proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any railroad, motor carrier, or carrier by water, unable to make delivery of any shipment in its possession to the consignee of such shipment at any destination within any area which is being or has been subjected to enemy action, due to damage caused by or resulting from enemy action, is hereby directed to retain such shipment in its possession at any point or in any facility convenient to it and to forthwith notify the shipper of such retention and to request further shipping instructions. In the event further shipping instructions are not received by the carrier within 72 hours after such notice is sent, as

provided above, such carrier is hereby directed to remove, or cause to be removed, such shipment from the point of retention to any public or licensed warehouse or other available place. The reasonable expense of such removal and storage shall be payable by such shipper or owner of such shipment, and such shipment shall be subject to a lien for such expense; **Provided that**, in the case of any shipment of perishable property such carrier is hereby directed, where necessary to prevent deterioration, to sell, without previous notice to the shipper, such property to the best advantage at private or public sale, but in that event, notice of such action and the proceeds of such sale, less the reasonable expenses thereof and any lawful freight charges due the carrier, shall forthwith be transmitted by the carrier to the shipper or the consignee, whichever is lawfully entitled to such proceeds.

(b) When the carrier is unable to make delivery of shipments in its possession which are consigned to the armed forces of the United States at a specified service installation or warehouse, it shall forthwith notify the nearest Regional Director of the Military Traffic Management and Terminal Service, Department of Defense of such retention and request further shipping instructions. If further shipping instructions are not received by the carrier within 72 hours after notice is sent as provided above, such carrier is hereby directed to divert such shipments, if other than household goods, to the nearest Department of Defense installation. When the shipments consist of household goods, the carrier shall remove, or cause to be removed, such shipments from the point of retention to any public or licensed warehouse. In such case, the carrier or its agent shall forthwith send a notice to the nearest Regional Director of the Military Traffic Management and Terminal Service, which shall identify the household goods shipments and the name and address of the warehouse in which the shipment has been placed.

**Sec. 2. Undeliverable food, grains, feed and seed shipments; retention by carrier; notice by carrier to shipper and Chairman of USDA Defense Board; removal of shipment to storage; sale or perishable food shipments.**

(a) From and after any proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any railroad, motor carrier, or carrier by water unable to make delivery of any food, grains, feed or seed shipment in its possession to the consignee of such shipment at any destination within any area which is being or has been subjected to enemy action, due to damage caused by or resulting from enemy action, is hereby directed to retain such shipment in its possession at any point or in any facility convenient to it and to forthwith notify the shipper of such retention and to request further shipping instructions. At the same time the carrier shall also notify the chairman of the USDA State or County Defense Board, c/o Agricultural Stabilization and Conservation Service Office, in and for



the State or county in which the shipment is retained. In the event further shipping instructions are not received from the shipper within 72 hours after such notice is sent, such carrier shall so advise the Chairman of the USDA State or County Defense Board providing a list of such shipment in possession of such carrier, including a general description of the commodity, quantity, the names and addresses of the consignor and consignee, and the exact location where such shipment is being held. Unless the Chairman immediately requisitions the shipment, the carrier shall remove or cause to be removed such shipment from the point of retention to any public or licensed warehouse or other available space. The reasonable expense of such removal and storage shall be payable by such shipper or owner of such shipment and such shipment shall be subject to a lien for such expense. Provided, That in the case of any food shipment of perishable commodities such carrier is hereby directed to notify the Chairman of the USDA State or County Defense Board in and for the State or county in which the shipment of perishable commodities is retained. Unless the Chairman immediately requisitions such shipment or provides the carrier with further transportation and delivery instructions for such shipment, such carrier is hereby directed, where necessary to prevent deterioration, to sell, without previous notice to the shipper, such food shipment to the best advantage at private or public sale, but in that event, notice of such action and the proceeds of such sale, less the reasonable expenses thereof and any lawful freight charges due the carrier, shall forthwith be transmitted by the carrier to the shipper or the consignee, whichever is lawfully entitled to such proceeds.

**Sec. 3. Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

**Sec. 4. Definitions.** As used in this order (§ 1 to 4, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "railroad" means any common carrier by railroad.

(c) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(d) The term "carrier by water" means any person who engages in the transportation of property by vessel for compensation on inland waterways, including the Great Lakes.

(e) The term "property" means anything, except persons, capable of being transported by motor vehicle, railroad or water.

(f) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.

(g) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area, or any municipality or urban community, and between contiguous municipalities or urban communities.

(h) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, in the transportation of property, by water, and which is documented under the laws of the United States, or is owned by a citizen of the United States, or is engaged in the transportation, by water, of property on inland waterways, including the Great Lakes.

(i) The terms "attack area", "area of attack", or "attacked area" means any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 5. **Communications.** Communications concerning this order should refer to "General Order ICC TM-5, as amended" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-5, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-5, as amended June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission

CODE OF EMERGENCY FEDERAL REGULATIONS

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**Change No. 5**

1. Material transmitted. This Change No. 5 to the CEFR consists of a revision of the standby regulations of the Interstate Commerce Commission (Chapter 34).
2. Filing instructions.

REMOVE

Pages 34-1-1 through  
34-14-2.

INSERT

Revised pages 34-1-1 through  
34-15-2.

November 1, 1969.

[EPR Doc. 34-1]

**GENERAL ORDER ICC TM-1**

As amended July 31, 1969

**PREFERENCE AND PRIORITY FOR THE TRANSPORTATION BY CARRIERS FOR HIRE OF  
UNITED STATES MILITARY PERSONNEL, ACCREDITED CIVIL DEFENSE WORKERS,  
AND UNITED STATES MAIL**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use of intercity for-hire passenger equipment for the preferential transportation, in interstate or foreign commerce, of Department of Defense uniformed or civilian personnel in official travel status and accredited Federal or State personnel in official travel status on civil defense or mobilization assignments. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-1 is hereby amended to read as follows:

**Sec.**

1. Transportation of United States military personnel, accredited civil defense or mobilization personnel, and United States mail.
2. Applicability.
3. Definitions.
4. Communications.

**AUTHORITY:** Section 1 to 4, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154, Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2 (b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Transportation of United States military personnel, accredited civil defense or mobilization personnel, and United States mail.** Each carrier for hire operating intercity passenger service shall give preference and priority over all other traffic to the transportation of uniformed or civilian personnel of the armed forces of the United States and its allies in official travel status, to military recruits in travel status, and to accredited Federal or State personnel in official travel status on civil defense or mobilization assignments, and where necessary to accord such preference and priority, shall limit or restrict the number of other passengers trans-

ported on any intercity passenger vehicle operated by such carriers: Provided further, That any such carrier under contract or other arrangement to transport United States mail in connection with the operations of intercity passenger service shall likewise give preference and priority to such mail over all other cargo, except baggage of passengers being transported.

Sec. 2. Applicability. The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 3. Definitions. As used in this order (§ 1 to 4, inclusive):

(a) The term "carrier for-hire" means any carrier by railroad, motor vehicle, or inland waterway, which transports passengers for compensation, in intercity service.

(b) The term "intercity service" means all operations, except those wholly within an attacked area, a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.

(c) The terms "attack area", "area of attack", or "attacked area" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 4. Communications. Communications concerning this order should refer to "General Order ICC TM-1, as amended", and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-1, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-1, as amended June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission

[EFR Doc. 34-2]

**GENERAL ORDER ICC TM-2**

As amended July 31, 1969

**RAIL FREIGHT EMBARGO - APPOINTMENT OF PERMIT AGENT**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use of railroad equipment and facilities for the preferential transportation of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-2 is hereby amended to read as follows:

Sec.

1. General embargo on rail shipments; exceptions; permit system after 48 hours
2. Appointment of permit agent
3. Priorities
4. Applicability
5. Resumption of operations in areas of attack
6. Definitions
7. Communications

AUTHORITY: Section 1 to 7, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. General embargo on rail shipments; exceptions; permit system after 48 hours.**

(a) During the 48-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the president or by concurrent resolution of the Congress, no common carrier by railroad shall accept for movement by rail, any carload, less-than-carload, or express shipment consigned, reconsigned, or to be reconsigned to any consignee at any destination within any area which is being or has been subjected to enemy action, except shipments moving under civil defense symbol or consigned to any State or local civil defense authority, or to any establishment of the Department of Defense or Atomic Energy Commission.

(b) From and after the expiration of the 48-hour period specified above in paragraph (a) of this section, no common carrier by railroad shall accept for movement by rail, any carload, less-than-carload, or express shipment consigned, reconsigned, or to be reconsigned to any consignee at any destination within any area which has been subjected to enemy action, except under permit issued by the general permit agent designated in Section 2 of this order, or by a permit agent duly designated by such general permit agent, or by an interim permit agent provided for in Section 2 of this order.

**Sec. 2. Appointment of permit agent.** The Chairman of the Car Service Division, Association of American Railroads, is hereby designated and appointed as General Permit Agent of the Interstate Commerce Commission, with full authority to issue or withhold the issuance of permits under this order, and to designate such permit agents as may be necessary to act for him in the issuance of or the withholding of permits. No permit shall be issued authorizing the acceptance of any shipment until the permit agent has obtained clearance from the responsible railroad transportation officer that the shipment can be handled to destination.

**Sec. 3. Priorities.** Priorities in the issuance of permits shall be given as shown in Appendix A of this order.

**Sec. 4. Applicability.** The provisions of this order shall be applicable in the United States including the District of Columbia, Alaska, and Hawaii.

**Sec. 5. Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of railroad traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of rail traffic thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

**Sec. 6. Definitions.** As used in this order (§ 1 to 7 inclusive):

(a) The term "common carrier by railroad" means any carrier by railroad or any express company subject to Part I of the Interstate Commerce Act, as amended.

(b) The terms "attack area," "area of attack," or "attacked area" mean any city, town, or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

**Sec. 7. Communications.** Communications concerning this order should refer to "General Order ICC TM-2" and should be addressed to the Interstate Commerce Commission, Washington, D. C. 20423.

This General Order ICC TM-2, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-2 as amended June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission

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**APPENDIX A****LIST OF PROPERTY IN RESPECT OF WHICH PRIORITY SHALL BE GIVEN IN ACCEPTING SHIPMENTS FOR TRANSPORTATION TO POINTS WHICH HAVE BEEN ATTACKED \***

1. Shipments moving under civil defense symbol, or consigned to any State or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission.
2. Food for human consumption.
3. Medical and hospital supplies, and chemicals used for sanitation and public health, milk processing, and food processing. Also caskets and funeral supplies.
4. Operating supplies, including fuel, repair parts, materials, and equipment for the operation and restoration of transportation and public utilities services, including communications, power and light, and water supply.
5. Domestic fuel.
6. Shipments moving under emergency ratings assigned by the Business and Defense Services Administration, United States Department of Commerce, for the operation and restoration of production capacity.
7. First class United States mail.
8. Newspapers.
9. Other shipments when transportation conditions will permit.

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\*Except as to the first item listed above, which shall be given priority and preference over all other items listed, the order in which the items of property are listed does not establish any precedence among the items.

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[EFR Doc. 34-3]

**GENERAL ORDER ICC TM-3**

As amended July 31, 1969

**MOTOR FREIGHT EMBARGO**

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of motor carrier freight equipment and facilities for the preferential transportation, in interstate or foreign commerce, for compensation, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-3 is hereby amended to read as follows:

Sec.

1. General embargo on motor carrier shipments; exceptions; priority system after 72 hours.
2. Resumption of operations.
3. Applicability.
4. Definitions.
5. Communications.

AUTHORITY: Section 1 to 5, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154, Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. General embargo on motor carrier shipments; exceptions; priority system after 72 hours.**

(a) During the 72-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, no motor carrier for compensation shall accept for transportation, or transport, in over-the-road service, any truckload, less-than-truckload, or express shipments consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which is being or has been subjected to enemy action, except shipments moving under Department of Defense, civil defense, or Atomic Energy direction and authority or consigned to any Federal, State or local civil defense authority, or to any establishment of the Department of Defense or the Atomic Energy Commission.

(b) From and after the expiration of the 72-hour period specified above in paragraph (a) of this section, no motor carrier for compensation shall accept for transportation, or transport, in over-the-road service, any truckload, less-than-truckload, or express shipment consigned, re-consigned, or to be reconsigned to any consignee at any destination known to be within any area which has been subjected to enemy action, except under bill of lading, shipping order or permit issued by the Department of Defense, civil defense authority, or Atomic Energy Commission, or by an agent duly designated by any of such agencies.

**Sec. 2. Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of motor vehicular traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of traffic by motor vehicle thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

**Sec. 3. Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

**Sec. 4. Definitions.** As used in this order (§ 1 to 5, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(c) The term "property" means anything, except persons, capable of being transported by motor vehicle.

(d) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, or (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property of the kinds or classes specified in this order.

(e) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area or any municipality or urban community and those within and between contiguous municipalities or urban communities.

(f) The terms "enemy action" or "area subjected to enemy action" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

**Sec. 5. Communications.** Communications concerning this order should refer to "General Order ICC TM-3 as amended" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-3, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-3, as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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[EFR Doc. 34-4]

GENERAL ORDER ICC TM-4  
as amended July 31, 1969

INLAND WATERWAYS FREIGHT EMBARGO

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of the transportation equipment and facilities of carriers by water on inland waterways, including the Great Lakes, for the preferential transportation, in interstate or foreign commerce, for compensation, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-4 is hereby amended to read as follows:

Sec.

1. General embargo on inland waterways shipments; exceptions; priority system after 72 hours.
2. Utilization of excess cargo space.
3. Resumption of operations in areas of attack.
4. Applicability.
5. Definitions.
6. Communications.

AUTHORITY: Sections 1 to 6 inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101 E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., revised items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

Sec. 1. General embargo on inland waterways shipments; exceptions; priority system after 72 hours.

(a) During the 72-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, no carrier by water shall accept for transportation, or transport, any cargo consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which is being or has been subjected to enemy attack, except shipments moving under Department of Defense, civil defense, or Atomic Energy direction and authority or consigned to any Federal, State

or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission.

(b) From and after the expiration of the 72-hour period specified above in paragraph (a) of this section, no carrier by water shall accept for transportation, or transport, any cargo consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which has been subjected to enemy action, except under bill of lading, shipping order or permit issued by the Department of Defense, civil defense authority, or Atomic Energy Commission, or by an agent duly designated by any of such agencies.

Sec. 2. **Utilization of excess cargo capacity.** Any carrier by water having unutilized and available cargo capacity in any vessel after accepting and providing for the transportation of all shipments of property of the kinds specified in Sec. 1 of this order tendered to it for transportation, is hereby authorized to use such unutilized and available cargo capacity for the transportation of property other than that specified in Sec. 1 above.

Sec. 3. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of inland waterway traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of inland waterway traffic thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 4. **Applicability.** The provisions of this order shall be applicable in the fifty States of the United States, including the District of Columbia.

Sec. 5. **Definitions.** As used in this order (§ 1 to 6 inclusive):

(a) The term "carrier by water" means any person who engages in the transportation of property for compensation by vessel on inland waterways, including the Great Lakes.

(b) The term "property" means anything, except persons, capable of being transported by vessel.

(c) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, in the transportation of property, by water, and which is documented under the laws of the United States, or is owned by a citizen of the United States, or is engaged in the transportation, by water, of property on inland waterways, including the Great Lakes.

(d) The terms "attack area", "area of attack", or "attacked area" means any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United

States suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 6. **Communications.** Communications concerning this order should refer to "General Order ICC TM-4, as amended," and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-4, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-4, as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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[EFR Doc. 34-5]

## GENERAL ORDER ICC TM-5

As amended July 31, 1969

## DISPOSAL BY CARRIERS OF UNDELIVERABLE SHIPMENTS

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of freight equipment and facilities of for-hire carriers for the preferential transportation, in interstate or foreign commerce, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-5 is hereby amended to read as follows:

Sec.

1. Undeliverable shipments (other than food, grains, feed and seed shipments); notice by carrier to shipper; removal of shipment to storage; sale of perishable property.
2. Undeliverable shipments of food, grains, feed and seed; retention by carrier; notice by carrier to shipper and Chairman of USDA Defense Board; removal of shipment to storage; sale of perishable food shipments.
3. Applicability.
4. Definitions.
5. Communications.

**AUTHORITY:** Section 1 to 4, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Undeliverable shipments (other than food, grains, feed and seed shipments); notice by carrier to shipper; removal of shipments to storage; sale of perishable property.**

(a) From and after any proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any railroad, motor carrier, or carrier by water, unable to make delivery of any shipment in its possession to the consignee of such shipment at any destination within any area which is being or has been subjected to enemy action, due to damage caused by or resulting from enemy action, is hereby directed to retain such shipment in its possession at any point or in any facility convenient to it and to forthwith notify the shipper of such retention and to request further shipping instructions. In the event further shipping instructions are not received by the carrier within 72 hours after such notice is sent, as

provided above, such carrier is hereby directed to remove, or cause to be removed, such shipment from the point of retention to any public or licensed warehouse or other available place. The reasonable expense of such removal and storage shall be payable by such shipper or owner of such shipment, and such shipment shall be subject to a lien for such expense; **Provided that**, in the case of any shipment of perishable property such carrier is hereby directed, where necessary to prevent deterioration, to sell, without previous notice to the shipper, such property to the best advantage at private or public sale, but in that event, notice of such action and the proceeds of such sale, less the reasonable expenses thereof and any lawful freight charges due the carrier, shall forthwith be transmitted by the carrier to the shipper or the consignee, whichever is lawfully entitled to such proceeds.

(b) When the carrier is unable to make delivery of shipments in its possession which are consigned to the armed forces of the United States at a specified service installation or warehouse, it shall forthwith notify the nearest Regional Director of the Military Traffic Management and Terminal Service, Department of Defense of such retention and request further shipping instructions. If further shipping instructions are not received by the carrier within 72 hours after notice is sent as provided above, such carrier is hereby directed to divert such shipments, if other than household goods, to the nearest Department of Defense installation. When the shipments consist of household goods, the carrier shall remove, or cause to be removed, such shipments from the point of retention to any public or licensed warehouse. In such case, the carrier or its agent shall forthwith send a notice to the nearest Regional Director of the Military Traffic Management and Terminal Service, which shall identify the household goods shipments and the name and address of the warehouse in which the shipment has been placed.

**Sec. 2. Undeliverable food, grains, feed and seed shipments; retention by carrier; notice by carrier to shipper and Chairman of USDA Defense Board; removal of shipment to storage; sale or perishable food shipments.**

(a) From and after any proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any railroad, motor carrier, or carrier by water unable to make delivery of any food, grains, feed or seed shipment in its possession to the consignee of such shipment at any destination within any area which is being or has been subjected to enemy action, due to damage caused by or resulting from enemy action, is hereby directed to retain such shipment in its possession at any point or in any facility convenient to it and to forthwith notify the shipper of such retention and to request further shipping instructions. At the same time the carrier shall also notify the chairman of the USDA State or County Defense Board, c/o Agricultural Stabilization and Conservation Service Office, in and for

the State or county in which the shipment is retained. In the event further shipping instructions are not received from the shipper within 72 hours after such notice is sent, such carrier shall so advise the Chairman of the USDA State or County Defense Board providing a list of such shipment in possession of such carrier, including a general description of the commodity, quantity, the names and addresses of the consignor and consignee, and the exact location where such shipment is being held. Unless the Chairman immediately requisitions the shipment, the carrier shall remove or cause to be removed such shipment from the point of retention to any public or licensed warehouse or other available space. The reasonable expense of such removal and storage shall be payable by such shipper or owner of such shipment and such shipment shall be subject to a lien for such expense. **Provided,** That in the case of any food shipment of perishable commodities such carrier is hereby directed to notify the Chairman of the USDA State or County Defense Board in and for the State or county in which the shipment of perishable commodities is retained. Unless the Chairman immediately requisitions such shipment or provides the carrier with further transportation and delivery instructions for such shipment, such carrier is hereby directed, where necessary to prevent deterioration, to sell, without previous notice to the shipper, such food shipment to the best advantage at private or public sale, but in that event, notice of such action and the proceeds of such sale, less the reasonable expenses thereof and any lawful freight charges due the carrier, shall forthwith be transmitted by the carrier to the shipper or the consignee, whichever is lawfully entitled to such proceeds.

**Sec. 3. Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

**Sec. 4. Definitions.** As used in this order (§ 1 to 4, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "railroad" means any common carrier by railroad.

(c) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(d) The term "carrier by water" means any person who engages in the transportation of property by vessel for compensation on inland waterways, including the Great Lakes.

(e) The term "property" means anything, except persons, capable of being transported by motor vehicle, railroad or water.

(f) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.

(g) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area, or any municipality or urban community, and between contiguous municipalities or urban communities.

(h) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, in the transportation of property, by water, and which is documented under the laws of the United States, or is owned by a citizen of the United States, or is engaged in the transportation, by water, of property on inland waterways, including the Great Lakes.

(i) The terms "attack area", "area of attack", or "attacked area" means any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 5. **Communications.** Communications concerning this order should refer to "General Order ICC TM-5, as amended" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-5, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-5, as amended June 15, 1962, is hereby superseded.

Chairman

Interstate Commerce Commission

[EFR Doc. 34-3]

**GENERAL ORDER ICC TM-3**

As amended July 31, 1969

**MOTOR FREIGHT EMBARGO**

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of motor carrier freight equipment and facilities for the preferential transportation, in interstate or foreign commerce, for compensation, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-3 is hereby amended to read as follows:

Sec.

1. General embargo on motor carrier shipments; exceptions; priority system after 72 hours.
2. Resumption of operations.
3. Applicability.
4. Definitions.
5. Communications.

AUTHORITY: Section 1 to 5, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154, Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. General embargo on motor carrier shipments; exceptions; priority system after 72 hours.**

(a) During the 72-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, no motor carrier for compensation shall accept for transportation, or transport, in over-the-road service, any truckload, less-than-truckload, or express shipments consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which is being or has been subjected to enemy action, except shipments moving under Department of Defense, civil defense, or Atomic Energy direction and authority or consigned to any Federal, State or local civil defense authority, or to any establishment of the Department of Defense or the Atomic Energy Commission.

(b) From and after the expiration of the 72-hour period specified above in paragraph (a) of this section, no motor carrier for compensation shall accept for transportation, or transport, in over-the-road service, any truckload, less-than-truckload, or express shipment consigned, re-consigned, or to be reconsigned to any consignee at any destination known to be within any area which has been subjected to enemy action, except under bill of lading, shipping order or permit issued by the Department of Defense, civil defense authority, or Atomic Energy Commission, or by an agent duly designated by any of such agencies.

Sec. 2. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of motor vehicular traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of traffic by motor vehicle thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 3. **Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 4. **Definitions.** As used in this order (§ 1 to 5, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(c) The term "property" means anything, except persons, capable of being transported by motor vehicle.

(d) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, or (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property of the kinds or classes specified in this order.

(e) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area or any municipality or urban community and those within and between contiguous municipalities or urban communities.

(f) The terms "enemy action" or "area subjected to enemy action" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

**Sec. 5. Communications.** Communications concerning this order should refer to "General Order ICC TM-3 as amended" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-3, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-3, as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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[EFR Doc. 34-4]

GENERAL ORDER ICC TM-4  
as amended July 31, 1969

INLAND WATERWAYS FREIGHT EMBARGO

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of the transportation equipment and facilities of carriers by water on inland waterways, including the Great Lakes, for the preferential transportation, in interstate or foreign commerce, for compensation, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-4 is hereby amended to read as follows:

Sec.

1. General embargo on inland waterways shipments; exceptions; priority system after 72 hours.
2. Utilization of excess cargo space.
3. Resumption of operations in areas of attack.
4. Applicability.
5. Definitions.
6. Communications.

AUTHORITY: Sections 1 to 6 inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101 E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., revised items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

Sec. 1. General embargo on inland waterways shipments; exceptions; priority system after 72 hours.

(a) During the 72-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, no carrier by water shall accept for transportation, or transport, any cargo consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which is being or has been subjected to enemy attack, except shipments moving under Department of Defense, civil defense, or Atomic Energy direction and authority or consigned to any Federal, State

or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission.

(b) From and after the expiration of the 72-hour period specified above in paragraph (a) of this section, no carrier by water shall accept for transportation, or transport, any cargo consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which has been subjected to enemy action, except under bill of lading, shipping order or permit issued by the Department of Defense, civil defense authority, or Atomic Energy Commission, or by an agent duly designated by any of such agencies.

Sec. 2. **Utilization of excess cargo capacity.** Any carrier by water having unutilized and available cargo capacity in any vessel after accepting and providing for the transportation of all shipments of property of the kinds specified in Sec. 1 of this order tendered to it for transportation, is hereby authorized to use such unutilized and available cargo capacity for the transportation of property other than that specified in Sec. 1 above.

Sec. 3. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of inland waterway traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of inland waterway traffic thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 4. **Applicability.** The provisions of this order shall be applicable in the fifty States of the United States, including the District of Columbia.

Sec. 5. **Definitions.** As used in this order (§ 1 to 6 inclusive):

(a) The term "carrier by water" means any person who engages in the transportation of property for compensation by vessel on inland waterways, including the Great Lakes.

(b) The term "property" means anything, except persons, capable of being transported by vessel.

(c) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, in the transportation of property, by water, and which is documented under the laws of the United States, or is owned by a citizen of the United States, or is engaged in the transportation, by water, of property on inland waterways, including the Great Lakes.

(d) The terms "attack area", "area of attack", or "attacked area" means any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United

States suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 6. **Communications.** Communications concerning this order should refer to "General Order ICC TM-4, as amended," and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-4, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-4, as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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[EFR Doc. 34-5]

## GENERAL ORDER ICC TM-5

As amended July 31, 1969

## DISPOSAL BY CARRIERS OF UNDELIVERABLE SHIPMENTS

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of freight equipment and facilities of for-hire carriers for the preferential transportation, in interstate or foreign commerce, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-5 is hereby amended to read as follows:

Sec.

1. Undeliverable shipments (other than food, grains, feed and seed shipments); notice by carrier to shipper; removal of shipment to storage; sale of perishable property.
2. Undeliverable shipments of food, grains, feed and seed; retention by carrier; notice by carrier to shipper and Chairman of USDA Defense Board; removal of shipment to storage; sale of perishable food shipments.
3. Applicability.
4. Definitions.
5. Communications.

**AUTHORITY:** Section 1 to 4, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Undeliverable shipments (other than food, grains, feed and seed shipments); notice by carrier to shipper; removal of shipments to storage; sale of perishable property.**

(a) From and after any proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any railroad, motor carrier, or carrier by water, unable to make delivery of any shipment in its possession to the consignee of such shipment at any destination within any area which is being or has been subjected to enemy action, due to damage caused by or resulting from enemy action, is hereby directed to retain such shipment in its possession at any point or in any facility convenient to it and to forthwith notify the shipper of such retention and to request further shipping instructions. In the event further shipping instructions are not received by the carrier within 72 hours after such notice is sent, as

provided above, such carrier is hereby directed to remove, or cause to be removed, such shipment from the point of retention to any public or licensed warehouse or other available place. The reasonable expense of such removal and storage shall be payable by such shipper or owner of such shipment, and such shipment shall be subject to a lien for such expense; **Provided that**, in the case of any shipment of perishable property such carrier is hereby directed, where necessary to prevent deterioration, to sell, without previous notice to the shipper, such property to the best advantage at private or public sale, but in that event, notice of such action and the proceeds of such sale, less the reasonable expenses thereof and any lawful freight charges due the carrier, shall forthwith be transmitted by the carrier to the shipper or the consignee, whichever is lawfully entitled to such proceeds.

(b) When the carrier is unable to make delivery of shipments in its possession which are consigned to the armed forces of the United States at a specified service installation or warehouse, it shall forthwith notify the nearest Regional Director of the Military Traffic Management and Terminal Service, Department of Defense of such retention and request further shipping instructions. If further shipping instructions are not received by the carrier within 72 hours after notice is sent as provided above, such carrier is hereby directed to divert such shipments, if other than household goods, to the nearest Department of Defense installation. When the shipments consist of household goods, the carrier shall remove, or cause to be removed, such shipments from the point of retention to any public or licensed warehouse. In such case, the carrier or its agent shall forthwith send a notice to the nearest Regional Director of the Military Traffic Management and Terminal Service, which shall identify the household goods shipments and the name and address of the warehouse in which the shipment has been placed.

**Sec. 2. Undeliverable food, grains, feed and seed shipments; retention by carrier; notice by carrier to shipper and Chairman of USDA Defense Board; removal of shipment to storage; sale or perishable food shipments.**

(a) From and after any proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any railroad, motor carrier, or carrier by water unable to make delivery of any food, grains, feed or seed shipment in its possession to the consignee of such shipment at any destination within any area which is being or has been subjected to enemy action, due to damage caused by or resulting from enemy action, is hereby directed to retain such shipment in its possession at any point or in any facility convenient to it and to forthwith notify the shipper of such retention and to request further shipping instructions. At the same time the carrier shall also notify the chairman of the USDA State or County Defense Board, c/o Agricultural Stabilization and Conservation Service Office, in and for

the State or county in which the shipment is retained. In the event further shipping instructions are not received from the shipper within 72 hours after such notice is sent, such carrier shall so advise the Chairman of the USDA State or County Defense Board providing a list of such shipment in possession of such carrier, including a general description of the commodity, quantity, the names and addresses of the consignor and consignee, and the exact location where such shipment is being held. Unless the Chairman immediately requisitions the shipment, the carrier shall remove or cause to be removed such shipment from the point of retention to any public or licensed warehouse or other available space. The reasonable expense of such removal and storage shall be payable by such shipper or owner of such shipment and such shipment shall be subject to a lien for such expense. Provided, That in the case of any food shipment of perishable commodities such carrier is hereby directed to notify the Chairman of the USDA State or County Defense Board in and for the State or county in which the shipment of perishable commodities is retained. Unless the Chairman immediately requisitions such shipment or provides the carrier with further transportation and delivery instructions for such shipment, such carrier is hereby directed, where necessary to prevent deterioration, to sell, without previous notice to the shipper, such food shipment to the best advantage at private or public sale, but in that event, notice of such action and the proceeds of such sale, less the reasonable expenses thereof and any lawful freight charges due the carrier, shall forthwith be transmitted by the carrier to the shipper or the consignee, whichever is lawfully entitled to such proceeds.

**Sec. 3. Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

**Sec. 4. Definitions.** As used in this order (§ 1 to 4, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "railroad" means any common carrier by railroad.

(c) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(d) The term "carrier by water" means any person who engages in the transportation of property by vessel for compensation on inland waterways, including the Great Lakes.

(e) The term "property" means anything, except persons, capable of being transported by motor vehicle, railroad or water.

(f) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.

(g) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area, or any municipality or urban community, and between contiguous municipalities or urban communities.

(h) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, in the transportation of property, by water, and which is documented under the laws of the United States, or is owned by a citizen of the United States, or is engaged in the transportation, by water, of property on inland waterways, including the Great Lakes.

(i) The terms "attack area", "area of attack", or "attacked area" means any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 5. **Communications.** Communications concerning this order should refer to "General Order ICC TM-5, as amended" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-5, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-5, as amended June 15, 1962, is hereby superseded.

Chairman

Interstate Commerce Commission

CODE OF EMERGENCY FEDERAL REGULATIONS

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**Change No. 5**

1. Material transmitted. This Change No. 5 to the CEFR consists of a revision of the standby regulations of the Interstate Commerce Commission (Chapter 34).
2. Filing instructions.

REMOVE

Pages 34-1-1 through  
34-14-2.

INSERT

Revised pages 34-1-1 through  
34-15-2.

November 1, 1969.



[EPR Doc. 34-1]

**GENERAL ORDER ICC TM-1**

As amended July 31, 1969

**PREFERENCE AND PRIORITY FOR THE TRANSPORTATION BY CARRIERS FOR HIRE OF  
UNITED STATES MILITARY PERSONNEL, ACCREDITED CIVIL DEFENSE WORKERS,  
AND UNITED STATES MAIL**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use of intercity for-hire passenger equipment for the preferential transportation, in interstate or foreign commerce, of Department of Defense uniformed or civilian personnel in official travel status and accredited Federal or State personnel in official travel status on civil defense or mobilization assignments. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-1 is hereby amended to read as follows:

**Sec.**

1. Transportation of United States military personnel, accredited civil defense or mobilization personnel, and United States mail.
2. Applicability.
3. Definitions.
4. Communications.

**AUTHORITY:** Section 1 to 4, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154, Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2 (b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Transportation of United States military personnel, accredited civil defense or mobilization personnel, and United States mail.** Each carrier for hire operating intercity passenger service shall give preference and priority over all other traffic to the transportation of uniformed or civilian personnel of the armed forces of the United States and its allies in official travel status, to military recruits in travel status, and to accredited Federal or State personnel in official travel status on civil defense or mobilization assignments, and where necessary to accord such preference and priority, shall limit or restrict the number of other passengers trans-

ported on any intercity passenger vehicle operated by such carriers: Provided further, That any such carrier under contract or other arrangement to transport United States mail in connection with the operations of intercity passenger service shall likewise give preference and priority to such mail over all other cargo, except baggage of passengers being transported.

Sec. 2. Applicability. The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 3. Definitions. As used in this order (§ 1 to 4, inclusive):

(a) The term "carrier for-hire" means any carrier by railroad, motor vehicle, or inland waterway, which transports passengers for compensation, in intercity service.

(b) The term "intercity service" means all operations, except those wholly within an attacked area, a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.

(c) The terms "attack area", "area of attack", or "attacked area" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 4. Communications. Communications concerning this order should refer to "General Order ICC TM-1, as amended", and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-1, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-1, as amended June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission

[EFR Doc. 34-2]

## GENERAL ORDER ICC TM-2

As amended July 31, 1969

## RAIL FREIGHT EMBARGO - APPOINTMENT OF PERMIT AGENT

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use of railroad equipment and facilities for the preferential transportation of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-2 is hereby amended to read as follows:

Sec.

1. General embargo on rail shipments; exceptions; permit system after 48 hours
2. Appointment of permit agent
3. Priorities
4. Applicability
5. Resumption of operations in areas of attack
6. Definitions
7. Communications

AUTHORITY: Section 1 to 7, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

## Sec. 1. General embargo on rail shipments; exceptions; permit system after 48 hours.

(a) During the 48-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the president or by concurrent resolution of the Congress, no common carrier by railroad shall accept for movement by rail, any carload, less-than-carload, or express shipment consigned, reconsigned, or to be reconsigned to any consignee at any destination within any area which is being or has been subjected to enemy action, except shipments moving under civil defense symbol or consigned to any State or local civil defense authority, or to any establishment of the Department of Defense or Atomic Energy Commission.

(b) From and after the expiration of the 48-hour period specified above in paragraph (a) of this section, no common carrier by railroad shall accept for movement by rail, any carload, less-than-carload, or express shipment consigned, reconsigned, or to be reconsigned to any consignee at any destination within any area which has been subjected to enemy action, except under permit issued by the general permit agent designated in Section 2 of this order, or by a permit agent duly designated by such general permit agent, or by an interim permit agent provided for in Section 2 of this order.

**Sec. 2. Appointment of permit agent.** The Chairman of the Car Service Division, Association of American Railroads, is hereby designated and appointed as General Permit Agent of the Interstate Commerce Commission, with full authority to issue or withhold the issuance of permits under this order, and to designate such permit agents as may be necessary to act for him in the issuance of or the withholding of permits. No permit shall be issued authorizing the acceptance of any shipment until the permit agent has obtained clearance from the responsible railroad transportation officer that the shipment can be handled to destination.

**Sec. 3. Priorities.** Priorities in the issuance of permits shall be given as shown in Appendix A of this order.

**Sec. 4. Applicability.** The provisions of this order shall be applicable in the United States including the District of Columbia, Alaska, and Hawaii.

**Sec. 5. Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of railroad traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of rail traffic thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

**Sec. 6. Definitions.** As used in this order (§ 1 to 7 inclusive):

(a) The term "common carrier by railroad" means any carrier by railroad or any express company subject to Part I of the Interstate Commerce Act, as amended.

(b) The terms "attack area," "area of attack," or "attacked area" mean any city, town, or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

**Sec. 7. Communications.** Communications concerning this order should refer to "General Order ICC TM-2" and should be addressed to the Interstate Commerce Commission, Washington, D. C. 20423.

This General Order ICC TM-2, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-2 as amended June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission

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**APPENDIX A****LIST OF PROPERTY IN RESPECT OF WHICH PRIORITY SHALL BE GIVEN IN ACCEPTING SHIPMENTS FOR TRANSPORTATION TO POINTS WHICH HAVE BEEN ATTACKED \***

1. Shipments moving under civil defense symbol, or consigned to any State or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission.
2. Food for human consumption.
3. Medical and hospital supplies, and chemicals used for sanitation and public health, milk processing, and food processing. Also caskets and funeral supplies.
4. Operating supplies, including fuel, repair parts, materials, and equipment for the operation and restoration of transportation and public utilities services, including communications, power and light, and water supply.
5. Domestic fuel.
6. Shipments moving under emergency ratings assigned by the Business and Defense Services Administration, United States Department of Commerce, for the operation and restoration of production capacity.
7. First class United States mail.
8. Newspapers.
9. Other shipments when transportation conditions will permit.

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\*Except as to the first item listed above, which shall be given priority and preference over all other items listed, the order in which the items of property are listed does not establish any precedence among the items.

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[EFR Doc. 34-3]

**GENERAL ORDER ICC TM-3**

As amended July 31, 1969

**MOTOR FREIGHT EMBARGO**

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of motor carrier freight equipment and facilities for the preferential transportation, in interstate or foreign commerce, for compensation, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-3 is hereby amended to read as follows:

Sec.

1. General embargo on motor carrier shipments; exceptions; priority system after 72 hours.
2. Resumption of operations.
3. Applicability.
4. Definitions.
5. Communications.

AUTHORITY: Section 1 to 5, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154, Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. General embargo on motor carrier shipments; exceptions; priority system after 72 hours.**

(a) During the 72-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, no motor carrier for compensation shall accept for transportation, or transport, in over-the-road service, any truckload, less-than-truckload, or express shipments consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which is being or has been subjected to enemy action, except shipments moving under Department of Defense, civil defense, or Atomic Energy direction and authority or consigned to any Federal, State or local civil defense authority, or to any establishment of the Department of Defense or the Atomic Energy Commission.

(b) From and after the expiration of the 72-hour period specified above in paragraph (a) of this section, no motor carrier for compensation shall accept for transportation, or transport, in over-the-road service, any truckload, less-than-truckload, or express shipment consigned, re-consigned, or to be reconsigned to any consignee at any destination known to be within any area which has been subjected to enemy action, except under bill of lading, shipping order or permit issued by the Department of Defense, civil defense authority, or Atomic Energy Commission, or by an agent duly designated by any of such agencies.

Sec. 2. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of motor vehicular traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of traffic by motor vehicle thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 3. **Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 4. **Definitions.** As used in this order (§ 1 to 5, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(c) The term "property" means anything, except persons, capable of being transported by motor vehicle.

(d) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, or (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property of the kinds or classes specified in this order.

(e) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area or any municipality or urban community and those within and between contiguous municipalities or urban communities.



(f) The terms "enemy action" or "area subjected to enemy action" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

**Sec. 5. Communications.** Communications concerning this order should refer to "General Order ICC TM-3 as amended" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-3, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-3, as amended June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission

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[EFR Doc. 34-4]

GENERAL ORDER ICC TM-4  
as amended July 31, 1969

INLAND WATERWAYS FREIGHT EMBARGO

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of the transportation equipment and facilities of carriers by water on inland waterways, including the Great Lakes, for the preferential transportation, in interstate or foreign commerce, for compensation, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-4 is hereby amended to read as follows:

Sec.

1. General embargo on inland waterways shipments; exceptions; priority system after 72 hours.
2. Utilization of excess cargo space.
3. Resumption of operations in areas of attack.
4. Applicability.
5. Definitions.
6. Communications.

AUTHORITY: Sections 1 to 6 inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101 E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., revised items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

Sec. 1. General embargo on inland waterways shipments; exceptions; priority system after 72 hours.

(a) During the 72-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, no carrier by water shall accept for transportation, or transport, any cargo consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which is being or has been subjected to enemy attack, except shipments moving under Department of Defense, civil defense, or Atomic Energy direction and authority or consigned to any Federal, State

or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission.

(b) From and after the expiration of the 72-hour period specified above in paragraph (a) of this section, no carrier by water shall accept for transportation, or transport, any cargo consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which has been subjected to enemy action, except under bill of lading, shipping order or permit issued by the Department of Defense, civil defense authority, or Atomic Energy Commission, or by an agent duly designated by any of such agencies.

Sec. 2. **Utilization of excess cargo capacity.** Any carrier by water having unutilized and available cargo capacity in any vessel after accepting and providing for the transportation of all shipments of property of the kinds specified in Sec. 1 of this order tendered to it for transportation, is hereby authorized to use such unutilized and available cargo capacity for the transportation of property other than that specified in Sec. 1 above.

Sec. 3. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of inland waterway traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of inland waterway traffic thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 4. **Applicability.** The provisions of this order shall be applicable in the fifty States of the United States, including the District of Columbia.

Sec. 5. **Definitions.** As used in this order (§ 1 to 6 inclusive):

(a) The term "carrier by water" means any person who engages in the transportation of property for compensation by vessel on inland waterways, including the Great Lakes.

(b) The term "property" means anything, except persons, capable of being transported by vessel.

(c) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, in the transportation of property, by water, and which is documented under the laws of the United States, or is owned by a citizen of the United States, or is engaged in the transportation, by water, of property on inland waterways, including the Great Lakes.

(d) The terms "attack area", "area of attack", or "attacked area" means any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United

States suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 6. **Communications.** Communications concerning this order should refer to "General Order ICC TM-4, as amended," and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-4, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-4, as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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[EFR Doc. 34-5]

## GENERAL ORDER ICC TM-5

As amended July 31, 1969

## DISPOSAL BY CARRIERS OF UNDELIVERABLE SHIPMENTS

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of freight equipment and facilities of for-hire carriers for the preferential transportation, in interstate or foreign commerce, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-5 is hereby amended to read as follows:

Sec.

1. Undeliverable shipments (other than food, grains, feed and seed shipments); notice by carrier to shipper; removal of shipment to storage; sale of perishable property.
2. Undeliverable shipments of food, grains, feed and seed; retention by carrier; notice by carrier to shipper and Chairman of USDA Defense Board; removal of shipment to storage; sale of perishable food shipments.
3. Applicability.
4. Definitions.
5. Communications.

**AUTHORITY:** Section 1 to 4, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Undeliverable shipments (other than food, grains, feed and seed shipments); notice by carrier to shipper; removal of shipments to storage; sale of perishable property.**

(a) From and after any proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any railroad, motor carrier, or carrier by water, unable to make delivery of any shipment in its possession to the consignee of such shipment at any destination within any area which is being or has been subjected to enemy action, due to damage caused by or resulting from enemy action, is hereby directed to retain such shipment in its possession at any point or in any facility convenient to it and to forthwith notify the shipper of such retention and to request further shipping instructions. In the event further shipping instructions are not received by the carrier within 72 hours after such notice is sent, as

provided above, such carrier is hereby directed to remove, or cause to be removed, such shipment from the point of retention to any public or licensed warehouse or other available place. The reasonable expense of such removal and storage shall be payable by such shipper or owner of such shipment, and such shipment shall be subject to a lien for such expense; **Provided that**, in the case of any shipment of perishable property such carrier is hereby directed, where necessary to prevent deterioration, to sell, without previous notice to the shipper, such property to the best advantage at private or public sale, but in that event, notice of such action and the proceeds of such sale, less the reasonable expenses thereof and any lawful freight charges due the carrier, shall forthwith be transmitted by the carrier to the shipper or the consignee, whichever is lawfully entitled to such proceeds.

(b) When the carrier is unable to make delivery of shipments in its possession which are consigned to the armed forces of the United States at a specified service installation or warehouse, it shall forthwith notify the nearest Regional Director of the Military Traffic Management and Terminal Service, Department of Defense of such retention and request further shipping instructions. If further shipping instructions are not received by the carrier within 72 hours after notice is sent as provided above, such carrier is hereby directed to divert such shipments, if other than household goods, to the nearest Department of Defense installation. When the shipments consist of household goods, the carrier shall remove, or cause to be removed, such shipments from the point of retention to any public or licensed warehouse. In such case, the carrier or its agent shall forthwith send a notice to the nearest Regional Director of the Military Traffic Management and Terminal Service, which shall identify the household goods shipments and the name and address of the warehouse in which the shipment has been placed.

**Sec. 2. Undeliverable food, grains, feed and seed shipments; retention by carrier; notice by carrier to shipper and Chairman of USDA Defense Board; removal of shipment to storage; sale or perishable food shipments.**

(a) From and after any proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any railroad, motor carrier, or carrier by water unable to make delivery of any food, grains, feed or seed shipment in its possession to the consignee of such shipment at any destination within any area which is being or has been subjected to enemy action, due to damage caused by or resulting from enemy action, is hereby directed to retain such shipment in its possession at any point or in any facility convenient to it and to forthwith notify the shipper of such retention and to request further shipping instructions. At the same time the carrier shall also notify the chairman of the USDA State or County Defense Board, c/o Agricultural Stabilization and Conservation Service Office, in and for

the State or county in which the shipment is retained. In the event further shipping instructions are not received from the shipper within 72 hours after such notice is sent, such carrier shall so advise the Chairman of the USDA State or County Defense Board providing a list of such shipment in possession of such carrier, including a general description of the commodity, quantity, the names and addresses of the consignor and consignee, and the exact location where such shipment is being held. Unless the Chairman immediately requisitions the shipment, the carrier shall remove or cause to be removed such shipment from the point of retention to any public or licensed warehouse or other available space. The reasonable expense of such removal and storage shall be payable by such shipper or owner of such shipment and such shipment shall be subject to a lien for such expense. **Provided,** That in the case of any food shipment of perishable commodities such carrier is hereby directed to notify the Chairman of the USDA State or County Defense Board in and for the State or county in which the shipment of perishable commodities is retained. Unless the Chairman immediately requisitions such shipment or provides the carrier with further transportation and delivery instructions for such shipment, such carrier is hereby directed, where necessary to prevent deterioration, to sell, without previous notice to the shipper, such food shipment to the best advantage at private or public sale, but in that event, notice of such action and the proceeds of such sale, less the reasonable expenses thereof and any lawful freight charges due the carrier, shall forthwith be transmitted by the carrier to the shipper or the consignee, whichever is lawfully entitled to such proceeds.

**Sec. 3. Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

**Sec. 4. Definitions.** As used in this order (§ 1 to 4, inclusive):

- (a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.
- (b) The term "railroad" means any common carrier by railroad.
- (c) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.
- (d) The term "carrier by water" means any person who engages in the transportation of property by vessel for compensation on inland waterways, including the Great Lakes.
- (e) The term "property" means anything, except persons, capable of being transported by motor vehicle, railroad or water.
- (f) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.



(g) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area, or any municipality or urban community, and between contiguous municipalities or urban communities.

(h) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, in the transportation of property, by water, and which is documented under the laws of the United States, or is owned by a citizen of the United States, or is engaged in the transportation, by water, of property on inland waterways, including the Great Lakes.

(i) The terms "attack area", "area of attack", or "attacked area" means any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 5. **Communications.** Communications concerning this order should refer to "General Order ICC TM-5, as amended" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-5, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-5, as amended June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission

[EPR Doc. 34-6]

## GENERAL ORDER ICC TM-6

As amended July 31, 1969

## CONTROL OF RAILROAD TANK CARS

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of Tank Cars and facilities for the preferential transportation by rail of shipments for civil defense, the Department of Defense, the Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-6 is hereby further amended to read as follows:

Sec.

1. Control of railroad tank cars.
2. Appointment of agent; supervision and reservation.
3. Exemptions.
4. Applicability.
5. Definitions.
6. Communications.

AUTHORITY: Section 1 to 6, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C. Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779, and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

Sec. 1. **Control of Railroad Tank cars.** Any person having possession or control of any railroad tank cars shall, notwithstanding any contract, charter, lease, arrangement, or other commitment, express or implied, with respect to the use or operation of such vehicle, cause such vehicle (a) to be operated in such manner, for such purposes, and between such points and places, as the Interstate Commerce Commission shall from time to time direct, and (b) to be leased, chartered, or rented to such person or persons as the Interstate Commerce Commission shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the lease, charter, rental, or use of any such vehicle, so directed to be leased, chartered, or rented, the amount of such compensation shall be such amount as shall be determined by the Interstate Commerce Commission, or other competent government authority.

**Sec. 2. Appointment of agent; supervision and reservation.**

(a) The Director, Bureau of Operations, Interstate Commerce Commission, is hereby appointed agent of the Commission and is hereby vested with authority to control the movement of railroad tank cars. When necessary, he shall direct the distribution of all railroad tank cars without regard to ownership, or assignment, so as to increase provident utilization of such vehicles. He is authorized and directed to supervise, coordinate, and direct the distribution of all tank cars to meet the needs of the various loading areas, and to require any common carrier by railroad to deliver, accept, or transport empty tank cars for the purpose of equalizing the supply of such vehicles at points where products are loaded.

(b) The authority herein delegated may be exercised by said agent through such members of the staff of the Interstate Commerce Commission, as he may designate.

(c) The exercise of the authority conferred by this order shall be subject to the general control and supervision of the Chairman of the Commission, and the right of modification or revocation by the Chairman in any specific case. Notwithstanding any provisions of this order, the Chairman, in his discretion, may exercise from time to time any authority, or perform any function or duty, delegated by this order.

**Sec. 3. Exemptions.** The provisions of this order shall not apply to tank cars owned, controlled, or operated by the United States or any department or agency thereof except governmental corporations.

**Sec. 4. Applicability.** The provisions of this order shall be applicable in the United States including the District of Columbia, Alaska, and Hawaii.

**Sec. 5. Definitions.** As used in this order (§ 1 to 6 inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "tank car" means any railway car designed, or suitable for use, or used in the transportation by railroad of liquid or gaseous cargo in bulk.

**Sec. 6. Communications.** Communications concerning this order should refer to "General Order ICC TM-6, as amended," and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-6, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-6, as amended July 15, 1964, is hereby superseded.

Chairman  
Interstate Commerce Commission

[EFR Doc. 34-7]

**GENERAL ORDER ICC TM-7**  
**As amended July 31, 1969**

**REROUTING OF RAIL TRAFFIC**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use of railroad equipment and facilities for the preferential transportation of shipments for civil defense, the Department of Defense, the Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-7 is hereby amended to read as follows:

Sec.

1. General authority for certain carriers to reroute rail traffic.
2. Rates applicable to rerouted traffic; division of revenue.
3. Applicability.
4. Communications.

**AUTHORITY:** Section 1 to 4 inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101 E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; Sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, Items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005; Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. General authority to reroute rail traffic.** From and after the proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any common carrier by rail unable to transport traffic over the whole or any part of system because of damage resulting from enemy action or sabotage, is hereby authorized and directed, upon and in accordance with the direction of the executive railroad reservist having jurisdiction, to divert or reroute such traffic over any available route to expedite its movement, regardless of the routing shown on the waybill. The billing covering all traffic so rerouted shall bear reference to this order and the direction of the executive reservists as authority for the rerouting.

**Sec. 2. Rates applicable to rerouted traffic; division of revenue.**

(a) Inasmuch as the diversion or rerouting of traffic under Section 1 of this order is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(b) In exercising authority under Section 1 of this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

Sec. 3. **Applicability.** The provisions of this order shall be applicable in the United States including the District of Columbia, Alaska, and Hawaii.

Sec. 4. **Communications.** Communications concerning this order should refer to "General Order ICC TM-7" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-7, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-7, as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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[EFR Doc. 34-8]

**GENERAL ORDER ICC TM-8**

As amended July 31, 1969

**DIRECTION TO CERTAIN OVER-THE-ROAD MOTOR CARRIERS OF PROPERTY REGARDING  
ROUTES, DIVERSIONS AND SERVICE TO CERTAIN DESTINATIONS**

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the availability, use, and distribution of freight equipment and facilities of for-hire motor carriers for the transportation, in interstate or foreign commerce, to certain destinations of shipments for civil defense, the Department of Defense, and the Atomic Energy Commission. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-8 is hereby amended to read as follows:

Sec.

1. Direction to certain over-the-road motor carriers of property; use of available routes; diversion to other motor carriers; applicable rates; divisions.
2. Direction to provide service not covered by existing authority; applicable rates.
3. Applicability.
4. Definitions.
5. Resumption of operations in areas of attack.
6. Communications.

**AUTHORITY:** Section 1 to 6, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201 E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, ICC. Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Direction to certain over-the-road motor carriers of property; use of available routes; diversion to other motor carriers; applicable rates; divisions.**

(a) From and after the proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any motor carrier licensed or authorized to transport property in over-the-road service to, through, or from, any destination within any area which is being or has been subjected to enemy action who is unable to transport traffic over any portion of its authorized or usually used routes, due to damage caused by, or resulting from enemy action, is hereby directed and authorized except as prohibited by General Order ICC TM-3, to use any available route, or to divert such traffic at any point or

place to any other authorized carrier available to accept it, to expedite the movement regardless of routing specified by the shipper, or any limitations contained in carrier's operating authority.

(b) The rates, rules, and regulations applicable to traffic transported over other than authorized routes, or diverted to any other carrier, pursuant to paragraph (a) of this section, shall be the rates, rules, and regulations which would have applied if the shipment had not been re-routed or diverted.

(c) In executing the direction and authorization contained in paragraph (a) of this section, the carriers involved shall proceed even though no contracts, agreements, or arrangements exist between them with respect to the division of rates applicable to said traffic; divisions shall be, during the period this order is in force, those voluntarily agreed upon by said carriers; or, upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Interstate Commerce Commission.

**Sec. 2. Direction to provide service not covered by existing authority; applicable rates.**

(a) Every motor carrier licensed or authorized to transport property in over-the-road service to any destination within any area which is being or has been subjected to enemy action, or to any point within a radius of 100 miles of any such destination, is hereby directed and authorized, except as prohibited by General Order ICC TM-3, to accept for transportation, and to transport, between any points in the United States, within a radius of 300 miles of any such destination, over any available highway route or routes, shipments moving under Department of Defense, civil defense or Atomic Energy Commission direction or authority or consigned to any State or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission, notwithstanding any limitations or restrictions contained in the license, certificate, or operating authority under which such motor carrier operates with respect to origin or destination points, territory to be served, route or routes, or commodities to be transported.

(b) Transportation of property by any motor carrier pursuant to the direction and authorization contained in paragraph (a) of Section 2 of this order shall be (1) at the carrier's lawfully published rates, or charges; or (2) if the carrier does not have rates, or charges on file with the Interstate Commerce Commission, or with any State or local regulatory body, or otherwise published, for the transportation of property to or from the points of origin and destination served by it under this order, then the property shall be transported at the nearest comparable rate, or charge published by common carriers of the same type parties to an agency tariff, naming rates applicable to or from the same points.

Sec. 3. **Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 4. **Definitions.** As used in this order (§ 1 to 6, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(c) The term "property" means anything, except persons, capable of being transported by motor vehicle.

(d) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, or (iii) any motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.

(e) The term "over-the-road service" means all operations of a motor truck except those wholly within an attacked area, or any municipality or urban community, and those within and between contiguous municipalities or urban communities.

(f) The terms "area subjected to enemy action", "area of attack", or "attacked area" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 5. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of motor vehicular traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of traffic by motor vehicle thereto and therein may be resumed without compliance with the directions, and without the benefit of the authorizations provided for in paragraph (a) of Section 1, and in paragraph (a) of Section 2, of this order.



Sec. 6. Communications. Communications concerning this order should refer to "General Order ICC TM-8, as amended", and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-8, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-8, as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

[EPR Doc. 34-9]

**GENERAL ORDER ICC TM-9**

As amended July 31, 1969

**DIRECTION TO CERTAIN INTERCITY COMMON CARRIERS  
OF PERSONS BY BUS TO SERVE CERTAIN POINTS**

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the availability, use, and distribution of intercity common carrier bus equipment and facilities for the transportation in interstate or foreign commerce of persons to, from, and between certain points and areas. In the formulation of this order, as hereby amended consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-9 is hereby amended to read as follows:

**Sec.**

1. Direction to certain intercity common carriers of persons by bus.
2. Applicable rates, fares, or charges.
3. Applicability.
4. Definitions.
5. Resumption of operations to and within areas of attack.
6. Communications.

**AUTHORITY:** Section 1 to 6, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C. Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Direction to certain intercity common carriers of persons by bus.** Every common carrier licensed or authorized to transport persons by bus in intercity service from or to any city, town, or other community within any area of attack, or from or to any point within a radius of 100 miles of any such city, town, or community, is hereby authorized and directed, except as prohibited by General Order ICC TM-1, to accept for transportation, and to transport, persons between any such city, town, or other community and any point in the United States within a radius of 300 miles of any such city, town, or other community over any available highway route or routes, notwithstanding any limitations or restrictions contained in its license, certificate, or

operating authority under which such common carrier operates with respect to origin or destination points, territory to be served, route or routes, or persons to be transported.

**Sec. 2. Applicable rates, fares, or charges.** Transportation of persons by any intercity common carrier pursuant to the direction and authorization contained in Section 1 of this order shall be (1) at the carrier's lawfully published rates, fares, or charges; or (2) if the carrier does not have rates, fares, or charges on file with the Interstate Commerce Commission, or with any State or local regulatory body, or otherwise published, for the transportation of passengers to or from the points of origin and destination served by it under this order, then the persons shall be transported at the nearest comparable rate, fare, or charge published by common carriers of the same type parties to an agency tariff, naming rates applicable to or from the same points.

**Sec. 3. Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

**Sec. 4. Definitions.** As used in this order (§ 1 to 6, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "bus" means any rubber-tired vehicle propelled or drawn by mechanical power, used in the transportation of persons and having a capacity of 10 or more passengers.

(c) The term "intercity service" means all bus operations except those wholly within an attacked area or any municipality or urban community and between contiguous municipalities or urban communities.

(d) The terms "attack area", "area of attack", or "attacked area" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

**Sec. 5. Resumption of operations to and within areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of motor vehicular traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of traffic by motor vehicle thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

**Sec. 6. Communications.** Communications concerning this order shall refer to "General Order ICC TM-9, as amended" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

Nov. 1, 1969

CODE OF EMERGENCY FEDERAL REGULATIONS

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This General Order ICC TM-9, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-9, as amended, June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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[EFR Doc. 34-10]

**GENERAL ORDER ICC TM-10**  
as amended July 31, 1969  
**CONTROL OF MOTOR TRANSPORT VEHICLES**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of motor transport vehicles and facilities for the preferential transportation, in interstate or foreign commerce, of persons or shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-10 is hereby ordered to read as follows:

Sec.

1. Control of motor transport vehicles.
2. Appointment of agent; supervision and reservation.
3. Exemptions.
4. Applicability.
5. Definitions.
6. Communications.

**AUTHORITY:** Section 1 to 6, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, ICC Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Control of motor transport vehicles.**

(a) Any person having possession or control of any motor vehicle which is normally used in transporting passengers or property for compensation shall, notwithstanding any contract, charter, lease, arrangement, or other commitment, express or implied, with respect to the temporary use or operation of such vehicle, cause such vehicle (1) to be operated for such purposes, and between such points and places, as the Interstate Commerce Commission shall direct or (2) to be leased, chartered, or rented to such person or persons as the Interstate Commerce Commission shall direct for the purpose of meeting the transportation needs in areas which have been subjected to enemy action; **Provided that**, no such temporary motor vehicle assignments shall be for

more than a period of 15 days without the consent of the owners thereof. Unless the interested parties agree upon the amount of compensation payable for the lease, charter, rental, or use of any such vehicle, so directed to be leased, chartered, rented, or used, the amount of such compensation shall be such amount as shall be determined by the Interstate Commerce Commission or other competent governmental authority.

(b) Any person having possession and control of any motor vehicle which is normally used in transporting passengers or property as private carriage in furtherance of any commercial enterprise, may be requested to charter, lease or rent such vehicle to such person or persons as the Interstate Commerce Commission shall designate for the purpose of meeting the transportation needs in any area or areas which have been subjected to enemy attack; **Provided that**, any such charter, lease, or rental of any motor vehicle shall be contingent upon a prior agreement being reached between the person having possession and control of such vehicle and the person to whom it is chartered, leased, or rented, as to compensation for the use of, responsibility for, control of, and the duration of any such usage of the motor vehicle.

#### Sec. 2. Appointment of agent; supervision and reservation.

(a) The Director, Bureau of Operations, is hereby appointed agent of the Commission and is hereby vested with authority to control the movement of motor transport vehicles, as specified in Sec. 1 above. When necessary, he shall direct or request the distribution of all motor transport vehicles without regard to ownership, or assignment, so as to provide motor vehicles to meet emergency temporary transportation needs in such areas where transport facilities are inadequate. He is authorized and directed to supervise, coordinate, and direct or request the distribution of such motor transport vehicles as are necessary to meet the needs of areas which have been subjected to enemy action and to require or request any motor carrier to deliver, accept, or transport empty motor transport vehicles for the purpose of providing a supply of such vehicles to meet emergency transportation needs to, from, or within such areas.

(b) The authority herein delegated may be exercised by said agent through such other Commission employees as he may designate; **Provided**, however, that pending the designation of agents by the said Director, each Regional Director and each District Supervisor of the Bureau of Operations and each Interstate Commerce Commission Executive Reservist (motor) is hereby authorized to exercise the authority as provided in this order.

(c) The exercise of the authority conferred by this order shall be subject to the general control, supervision, and right of modification or revocation by the Chairman of the Commission in any specific case. Notwithstanding any provisions of this order, said Chairman, in his discretion, may exercise any authority, or perform any function or duty, delegated by this order.

Sec. 3. **Exemptions.** The provisions of this order shall not apply to motor transport vehicles owned, controlled, or operated by the United States Department of Defense.

**Sec. 4. Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

**Sec. 5. Definitions.** As used in this order (§ 1 to 6, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "motor transport vehicle" means either (1) a bus having a capacity of 10 or more passengers, (2) a straight truck, (3) a combination truck tractor and semi-trailer, (4) a full trailer, or (5) any combination thereof, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, or (ii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.

(c) The terms "attack area", "area of attack", or "attacked area" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

**Sec. 6. Communications.** Communications concerning this order should refer to "General Order ICC TM-10" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-10 shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-10, issued June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission

[EFR Doc. 34-11]

**GENERAL ORDER ICC TM-11**

As amended July 31, 1969

**CONTROL OF FREIGHT SHIPMENTS TO OR WITHIN PORT OR STORAGE AREAS**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the availability, use, and distribution of port facilities for the preferential handling of traffic for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy; and to coordinate domestic traffic movements with ocean shipping in order to avoid terminal congestion at port areas in the United States, and to expedite the movement of traffic. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-11 is hereby amended to read as follows:

Sec.

1. Definitions.
2. Transportation and delivery of shipments of overseas freight to or within specified port areas.
3. Transportation of shipments of government domestic or import freight to or within specified port areas for storage in public warehouses.
4. Transportation of carload shipments of export or overseas freight to specific interior storage areas.
5. Reconsignment restrictions.
6. Issuance of special and general permits.
7. Procedures; delegations of authority.
8. Applicability.
9. Exemptions.
10. Communications.

**AUTHORITY:** Section 1 to 10, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, ICC Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Definitions.** As used in this order (§ 1 to 10, inclusive), or in any order, permit, or regulation issued hereunder, the term:



(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department, agency, or corporation of the United States, any State, or any political, governmental, or legal entity.

(b) "Carrier" means any person who transports property.

(c) "Export freight" means any property which is intended for transportation from a point in the United States to a destination outside the United States.

(d) "Overseas freight" means any property which is intended for movement off-shore by water from a port or place in the United States to a port or place outside the United States.

(e) "Commercial freight" means any export or overseas freight not shipped by or to a government agency or on a United States government bill of lading.

(f) "Import freight" means (1) any property which has moved by water from a port or place outside the continental United States to a port area therein and not subsequently transported beyond such port area, or (2) any property which is transported by rail, on through billing, from a place outside the United States to a port area within the United States and is not intended for reshipment to a place outside the United States.

(g) "Domestic freight" means any property other than import freight which is transported to or within a port area in the United States and is not intended for movement to a destination outside the United States.

(h) "Government agency" means any agency or department of the United States, including any corporation organized and controlled by the United States.

(i) "Commissioner" means the Chairman of the Interstate Commerce Commission.

(j) "ICC block release" means an authorization by the Commission or any of its authorized permit agents covering the issuance of ICC unit permits for the movement of a specified quantity of freight.

(k) "ICC unit permit" means a permit issued by the Commission or any of its authorized permit agents, as evidence that the property covered by such ICC unit permit is within the aggregate authorization of a specified effective ICC block release.

(l) "ICC port storage forwarding permit" means a permit issued by the Commission or any of its authorized permit agents, authorizing the transportation of shipments of domestic or import freight to or within a port area in the United States for storage in a public warehouse for account of a government agency.

(m) "Public warehouse" means any premises normally used for the storage of goods, wares, or merchandise belonging to persons other than the person having the ownership or control of such premises.

(n) "Carload shipment" means a shipment of property moving by rail (1) in a quantity the weight of which is 20,000 pounds or more, or (2) in a quantity the weight of which is less than 20,000 pounds if transported by a rail carrier at a carload rate or rates and exclusively occupying a railway car when forwarded from point of origin.

(o) "Less-than-carload shipment" means a shipment of property moving by rail in quantity the weight of which is less than 20,000 pounds and which, if exclusively occupying a railway car when forwarded from point of origin, is not transported by a rail carrier at a carload rate or rates.

(p) "Motor truck" means (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled by mechanical power, when used in the transportation of property.

(q) "Property" means anything, except passengers, capable of being transported by rail, motor truck, or water.

(r) "Port area" means any locality in the United States within which facilities are maintained for the interchange of property between ocean vessels and other transportation instrumentalities. A port area shall include both the switching and lighterage limits of the ports or places shown in Appendix A attached hereto, or in any administrative order or appendix thereto, issued pursuant to the provisions of Section 7 of this order.

(s) "Interior storage area" means any storage area supplementary to a port area or range of port area within the United States, as such interior storage areas may be defined from time to time in any administrative order issued pursuant to the provisions of Section 7 of this order.

**Sec. 2. Transportation and delivery of shipments of overseas freight to or within specified port areas.**

(a) No person shall offer for transportation to a rail carrier, and no rail carrier shall accept for transportation, or transport, any carload shipment of overseas freight to or within any port area named in Appendix A attached hereto, or in any administrative order or appendix thereto, issued pursuant to the provisions of Section 7 of this order, for storage within such port area, or for delivery to an ocean carrier at such port area, unless there is outstanding an effective ICC unit permit authorizing the transportation of such shipment, and the number of such permit is endorsed upon the shipping order, waybill, and other shipping documents covering such shipment.

(b) No person shall offer for transportation, and no carrier shall accept for transportation, or transport, to or within any port area named in Appendix A attached hereto, or in any administrative order or appendix thereto, issued pursuant to the provisions of Section 7 of this order, any less-than-carload shipments of overseas freight, or any shipment of overseas freight by motor truck or vessel, for storage within such port area, unless such shipment (1) is consigned

to an officer of the armed forces of the United States at a specified service installation; or (2) is consigned to the Director, National Shipping Authority, and his forwarding authorization serial identification is shown on the shipping documents covering the inland transportation of such shipment, and, if by motor truck or vessel, only when such forwarding authorization specifically authorizes such mode of transportation; or (3) is consigned to a specific warehouse facility; or (4) is covered by a bona fide firm booking with the ocean carrier for the transportation of such shipment and the shipper so indicates on the shipping documents covering the inland transportation of such shipment.

**Sec. 3. Transportation of shipments of government domestic or import freight to or within specified port areas for storage in public warehouses.** No person shall offer any shipment of domestic or imported freight of an aggregate weight of 20,000 pounds or more for transportation to or within any port area named in **Appendix B** attached hereto, or in any administrative order or appendix thereto, issued pursuant to the provisions of Section 7 of this order when such shipment is intended for storage for account of a government agency in a public warehouse located within any such port area, unless the transportation of such shipment to such public warehouse within such port area has been authorized by an ICC port storage forwarding permit issued by the Commission or its authorized permit agent, and the number of such permit is endorsed upon the shipping order or other appropriate shipping document covering such shipment.

**Sec. 4. Transportation of carload shipments of export or overseas freight to specific interior storage areas.** The Director of the Bureau of Operations of the Interstate Commerce Commission, is hereby authorized to name and define in any administrative order issued pursuant to the provisions of Section 7 of this order, specific interior storage areas in the United States to which carload shipments of export or overseas freight may not be transported for storage, unless the transportation of any such shipment to any such interior storage area has been authorized by the issuance of an ICC unit permit. No person shall offer for transportation, and no rail carrier shall accept for transportation, or transport to any such interior storage area which may be hereafter named and defined in any such administrative order, any carload shipment intended for reshipment from such interior storage area to a destination outside the United States, unless there is outstanding an effective ICC unit permit authorizing the transportation of such shipment to such interior storage area, and the number of such permit is endorsed upon the shipping order, waybill, and other shipping documents covering such shipment.

**Sec. 5. Reconsignment restrictions.**

(a) Any shipment which is subject to the permit requirements of this order at the time it is offered for transportation, and which when reconsigned continues to be subject to such permit requirements, shall not be reconsigned to a point other than the original billed destination unless

there is outstanding an effective ICC permit authorizing the transportation of such shipment to such new destination.

(b) Any shipment which is not subject to the permit requirements of this order at the time it is offered for transportation, but which, when reconsigned to a new destination becomes subject to such permit requirements, shall not be so reconsigned unless there is outstanding an effective ICC permit authorizing the transportation of such shipment to such new destination.

**Sec. 6. Issuance of special and general permits.** The provisions of this order shall be subject to any special permit issued by the Director of the Bureau of Operations, and to any general permit issued by the Commission to meet specific needs or exceptional circumstances or to prevent undue hardships.

**Sec. 7. Procedures; delegations of authority.**

(a) The Director of the Bureau of Operations is hereby authorized and directed to issue such administrative orders as may be necessary to implement this order, including the establishment of procedures to be followed with respect to applications for the issuance of ICC unit permits and ICC port storage forwarding permits. Said Director may issue such permits through such permit agents as have been delegated such authority in any such administrative order.

(b) In the issuance of ICC unit permits, the Director, and his authorized permit agents, subject to his general supervision, are hereby authorized to designate in any such permit the route or routes, within the United States, over which the shipment or shipments covered by any such permit shall be transported. Failure of a shipper to observe the routing specified in any such permit shall render such permit invalid.

**Sec. 8. Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia, Alaska, and Hawaii.

**Sec. 9. Exemptions.** This order shall not apply to any traffic which is exempted from its provisions by any administrative order issued pursuant to Section 7 of this order.

**Sec. 10. Communications.** Communications concerning this order should refer to "General Order ICC TM-11," and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-11, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-11, as amended June 15, 1962, is hereby superseded.

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Chairman  
Interstate Commerce Commission

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**APPENDIX A****PORT AREAS TO, OR WITHIN WHICH, SHIPMENTS OF "OVERSEAS FREIGHT" ARE  
SUBJECT TO ICC UNIT PERMIT REQUIREMENTS****ATLANTIC COAST**

Maine: Portland  
Massachusetts: Boston  
Rhode Island: Providence, Portsmouth, Davisville  
Connecticut: New Haven, New London  
New York: Port of New York, Poughkeepsie, Albany  
New Jersey: Port of New York, Camden, Trenton  
Pennsylvania: Port of Philadelphia  
Delaware: Wilmington  
Maryland: Baltimore  
Virginia: Hampton Roads (Including Norfolk, Newport News, Portsmouth)  
South Carolina: Charleston  
North Carolina: Wilmington  
Georgia: Savannah  
Florida: Jacksonville, Palm Beach, Fort Lauderdale, Port Everglades, Miami

**GULF COAST**

Florida: Port Tampa, Tampa, Pensacola  
Alabama: Mobile, Theodore  
Mississippi: Gulfport  
Louisiana: New Orleans, Baton Rouge, Lake Charles  
Texas: Port Arthur, Beaumont, Galveston, Houston, Texas City, Corpus Christi

**PACIFIC COAST**

California: San Diego, Port of Los Angeles (Wilmington, San Pedro, Long Beach), Port  
Hueneme, Port of San Francisco, Stockton  
Oregon: Coos Bay, Astoria, St. Helens, Portland  
Washington: Aberdeen, Port Angeles, Bremerton, Seattle, Tacoma, Olympia, Everett, Anacortes,  
Bellingham, Vancouver, Longview

**GREAT LAKES**

New York: Oswego, Rochester, Buffalo  
Pennsylvania: Erie  
Ohio: Ashtabula, Cleveland, Toledo, Conneaut, Fairport, Sandusky  
Michigan: Detroit, Menominee, Marquette, Ludington, Escanaba, Bay City, Muskegon, Manistiquette  
Illinois: Chicago  
Wisconsin: Kenosha, Racine, Milwaukee, Sheboygan, Manitowoc, Kewaunee, Ashland, Superior  
Minnesota: Duluth, Two Harbors

**ALASKA**

Seward  
Anchorage

**HAWAII**

Honolulu  
Port Allen  
Hilo

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**APPENDIX B****PORT AREAS TO, OR WITHIN WHICH, SHIPMENTS OF GOVERNMENT DOMESTIC OR IMPORT  
FREIGHT INTENDED FOR STORAGE IN PUBLIC WAREHOUSES ARE SUBJECT TO ICC PORT  
STORAGE FORWARDING PERMIT REQUIREMENTS****ATLANTIC COAST**

Massachusetts: Boston  
New York: Port of New York  
New Jersey: Port of New York, Camden, Trenton  
Pennsylvania: Port of Philadelphia  
Delaware: Wilmington  
Maryland: Baltimore  
Virginia: Port of Norfolk  
North Carolina: Wilmington  
South Carolina: Charleston  
Georgia: Savannah  
Florida: Jacksonville

**GULF COAST**

Florida: Tampa, Pensacola  
Alabama: Mobile  
Louisiana: New Orleans  
Texas: Galveston, Houston

**PACIFIC COAST**

California: Ports of Los Angeles and San Francisco  
Oregon: Portland  
Washington: Bellingham, Everett, Olympia, Seattle, Tacoma, Vancouver

**GREAT LAKES**

New York: Rochester, Buffalo  
Pennsylvania: Erie  
Ohio: Ashtabula, Cleveland, Toledo, Conneaut, Sandusky  
Michigan: Detroit, Marquette, Escanaba, Bay City  
Illinois: Chicago  
Wisconsin: Milwaukee, Sheboygan, Manitowoc, Ashland, Superior  
Minnesota: Duluth, Two Harbors

**ALASKA**

Seward, Anchorage

**HAWAII**

Honolulu, Port Allen, Hilo



[EFR Doc. 34-12]

ICC General Permit TM GO-11-1  
As amended July 31, 1969

CONTROL OF FREIGHT SHIPMENTS TO OR WITHIN PORT OR STORAGE AREAS\*

Pursuant to the provisions of Section 6 of General Order ICC TM-11, It is hereby ordered, That:

Until further order of the Chairman, the provisions of General Order ICC TM-11 shall not apply to or become effective in the port areas subject to the embargoes imposed by General Orders ICC TM-2, TM-3, and TM-4.

This General Order, ICC TM-GO-11-1, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-GO-11-1, as amended June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission

\*This General Permit TM-GO-11-1 is issued so as to avoid permit requirements for the same shipment under General Order ICC TM-11, and also under General Order ICC TM-2 (Rail Freight Embargo) or General Order ICC TM-3 (Motor Freight Embargo) or General Order ICC TM-4 (Inland Waterways Freight Embargo).

It is intended that this General Permit be cancelled simultaneously with the termination of the ICC TM orders above listed.

[EFR Doc. 34-13]

I.C.C. TM-11-PO-1 PROCEDURAL ORDER  
as amended July 31, 1969  
PROCEDURES AND DELEGATIONS OF AUTHORITY UNDER GENERAL ORDER  
I.C.C. TM 11 FOR RAIL SHIPMENTS

Pursuant to Sec 7(a) of General Order I.C.C. TM-11, it is hereby ordered that:

Sec.

1. General Provisions
2. Delegation of Authority to Issue I.C.C. Unit Permits
3. Types of I.C.C. Permits; Conditions
4. Application for I.C.C. Permits
5. Exemptions
6. Embargoes
7. Explanation of Forms
8. Effective Date

Authority: Section 1 through 7, inclusive, issued under General Order I.C.C. TM-11.

Sec. 1. General Provisions. General Order I.C.C. TM-11 establishes permit requirements with respect to the rail transportation of shipments of overseas freight to or within designated port areas in the United States, whether for storage or for delivery to an ocean carrier; and shipments of domestic or import freight of an aggregate weight of 20,000 pounds or more, to or within designated port areas for storage in a public warehouse for account of a government agency. The port areas are named in Appendix A and Appendix B of I.C.C. TM-11. Provision is made in Section 4 of I.C.C. TM-11 for the establishment of permit requirements in connection with the transportation of carload shipments of export or overseas freight to interior storage areas in the United States as such interior storage areas may be named and defined in any administrative order issued pursuant to the provisions of I.C.C. TM-11. No such interior storage areas are named in this administrative order as now issued.

I.C.C. TM-11 provides that shipments of export or overseas freight which are covered by I.C.C. TM-11 shall be subject to "I.C.C. unit permits." A unit permit is defined in I.C.C. TM-11 as "a permit issued by the Commission or any of its authorized permit agents as evidence that the property covered by such I.C.C. unit permits is within the aggregate authorization of a specified effective I.C.C. block release." I.C.C. TM-11 further specifically directs the Director, Bureau of Operations, Interstate Commerce Commission, to issue such administrative orders as may be necessary to implement I.C.C. TM-11, including the establishment of procedures to be followed with respect to applications for the issuance of I.C.C. unit permits and I.C.C. port storage forwarding permits. The director may issue permits or direct the permit agents (who have been delegated such authority in this administrative order) to issue such permits. The issuance of I.C.C. block releases by the Director, Bureau of Operations, to his authorized permit agents, will be based on applications received from the ocean cargo control agencies (Department of Defense, Maritime Administration, etc.)

General Order I.C.C. TM-11 provides that shipments of government domestic or import freight subject to its provisions shall move on "I.C.C. port storage forwarding permits".

Types and conditions for issuance of I.C.C. permits are outlined in Section 3 of this Procedural Order I.C.C. TM-11PO-1.

**Sec. 2. Delegation of Authority to Issue Permits.**

Subject to such restrictions, directions, and report requirements as are now or may be hereafter established by the Director, Bureau of Operations, Interstate Commerce Commission, the following permit agents are hereby authorized to issue I.C.C. permits for rail shipments described as follows:

**1. Commander, Military Traffic Management and Terminal Service, DOD, may issue:**

**a. I.C.C. Unit Permits on military shipments of:**

(1) Carload overseas freight originating at a point in the United States and shipped to, moving within, or delivered at a port area in the United States named in Appendix A, General Order I.C.C. TM-11 for storage or for delivery to an ocean carrier.

(2) Carload shipments of export or overseas freight for storage at interior storage points which may be specified by the Director of the Bureau of Operations.

**b. I.C.C. Port Storage Forwarding Permits on military shipments of government domestic or import freight of an aggregate weight of 20,000 pounds or more to or within any port area named in Appendix B of I.C.C. TM-11 for storage in a public warehouse for account of the government.**

**2. The Administrator, General Services Administration, may issue:**

**a. I.C.C. Unit Permits on non-military government shipments of:**

(1) Carload overseas freight originating at a point in the United States and shipped to, moving within, or delivered at a port area in the United States named in Appendix A, General Order I.C.C. TM-11 for storage or for delivery to an ocean carrier.

(2) Carload shipments of export or overseas freight for storage at interior storage points which may be specified by the Director of the Bureau of Operations.

**b. I.C.C. Port Storage Forwarding Permits on non-military shipments of government domestic or import freight of an aggregate weight of 20,000 pounds or more to or within any port area named in Appendix B of I.C.C. TM-11 for storage in a public warehouse for account of the government.**

**3. The Manager of Port Traffic, Association of American Railroads, 2 Pennsylvania Plaza, New York, New York, 10001, may issue:**

**a. I.C.C. Unit Permits on commercial shipments of:**

(1) Carload overseas freight originating at a point in the United States and shipped to, moving within, or delivered at a port area in the United States named in Appendix A, General Order I.C.C. TM-11 for storage or for delivery to an ocean carrier.

(2) Carload shipments of export or overseas freight for storage at interior storage points which may be specified by the Director of the Bureau of Operations.

I.C.C. Unit permits will not be issued for shipments of overseas freight unless (1) the property covered by such permit is within the aggregate authorization of a specified effective I.C.C. block release issued by the Director, Bureau of Operations, and (2) a Maritime Ad-

ministration forwarding authorization has been issued if the shipment is subject to such requirements. I.C.C. permits will not be issued for shipments of overseas freight destined to a named port area for storage therein unless arrangements have been made in advance of shipments for the storage of any such shipment immediately on its arrival at such port area.

### Sec. 3. Types of I.C.C. Permits: Conditions

All I.C.C. permits shall carry coded serial identification. Construction of such permits shall be governed by code requirements, issued by the Director, Bureau of Operations. Permits shall be valid for such period of time as specified individually therein, shall cover only the goods stated therein, and shall be subject to the conditions stated therein. I.C.C. permits shall be of the type outlined below and shall be issued in accordance with Attachment A of this procedural order:

a. I.C.C. unit permits authorizing transportation of carload shipments of overseas freight for delivery to an ocean carrier or for storage within the ports named in Appendix A of General Order I.C.C. TM-11 or carload shipments of export freight for storage at interior storage points which may be specified by the Director of the Bureau of Operations.

b. I.C.C. port storage forwarding permits authorizing transportation of shipments of government domestic or import freight aggregating 20,000 pounds or more to or within any port named in Appendix B of I.C.C. TM-11 for storage in public warehouses for account of the government.

### Sec. 4. Application for I.C.C. Permits.

Application for the issuance of an I.C.C. permit shall be made to the appropriate permit agent authorized to issue such permit pursuant to the provisions of Section 2 hereof, and shall contain such information as may be required from time to time by such permit agent.

Sec. 5. Exemptions. The provisions of Procedural Order I.C.C. TM-11-PO-1 shall not apply to:

a. Impedimenta moving in conjunction with military forces to a point of embarkation moving on military impedimenta symbols assigned by the Military Section of the Association of American Railroads.

b. Less-than-carload shipments consigned to an officer of the armed forces of the United States at a specified service installation within the port.

c. Less-than-carload shipments consigned to the Maritime Administration, when serial identification is shown on the shipping documents covering the inland transportation of such shipments.

d. Less-than-carload shipments consigned to a specific warehouse facility.

e. Less-than-carload shipments covered by a bona fide firm booking with an ocean carrier and shipping documents so identified.

f. Freight directed to be moved within port areas by Maritime Administration of the Department of Commerce in the Exercise of the emergency period port control responsibilities and authorities assigned to said Administration by Executive Order 10999 dated February 16, 1962 and Section 3.012 of Department of Commerce Order No. 117 (Revised) dated April 9, 1962.

Sec. 6. **Embargoes.** Rail carriers shall issue such embargoes under the provisions of AAR Circular CSD-87 as may be necessary to insure compliance with the provisions of General Order I.C.C. TM-11 and any procedural or administrative orders issued pursuant thereto.

Sec. 7. **Explanation of Forms.** Sample permit form is appended as Attachment "A" to this procedural order.

Sec. 8. **Effective Date.** This Procedural Order I.C.C. TM-11-PO-1 shall become effective concurrently and simultaneously with General Order I.C.C. TM-11.

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Director  
Bureau of Operations

## ICC TM-11-PO-1 PROCEDURAL ORDER

Permit No.

--	--	--	--	--	--	--	--

ICC UNIT PERMIT,  
ICC PORT STORAGE FORWARDING PERMIT  
(Request and Permit Form for Rail Only)

1. To \_\_\_\_\_ Permit Agent  
\_\_\_\_\_ Mail Address  
\_\_\_\_\_

3. Date \_\_\_\_\_  
4. Requester's  
Ident. No. \_\_\_\_\_

2. Return To \_\_\_\_\_ Requester  
\_\_\_\_\_ Mail Address  
\_\_\_\_\_

Permit Agency Symbol (A-AAR; D-MTMTS; G-GSA; I-ICC) - - - -

5. Request for ICC Unit Permit "U" (export or overseas freight into port or interior storage area) or ICC Port Storage Forwarding Permit "S" (domestic or imported government freight for storage in public warehouse). Indicate "U" or "S" \_\_\_\_\_.

Identifying symbol of regional or other permit issuing office. Use "1" through "8" (OEP Regions see attached.) - - - - -

6. Commodity code (A-Ammunition; C-General Cargo; G-Bulk Granular; L-Bulk Liquid; R-Reefer) \_\_\_\_\_

## 7. Number of Carloads:

- a. Export or Overseas \_\_\_\_\_  
b. Domestic or import \_\_\_\_\_  
c. Maximum number tons to be shipped daily \_\_\_\_\_

8. Continental United States (CONUS) Shipper and Mail address if different from 2. above.  
\_\_\_\_\_  
\_\_\_\_\_

## 9. CONUS Origin:

- a. Railhead (export or overseas) \_\_\_\_\_  
b. Railhead (domestic or import) \_\_\_\_\_

For Permit Agent's use Only

10. CONUS consignee (Steamship line or agent, public storage warehouse within port area, or at interior storage point.)  
\_\_\_\_\_

11. CONUS Destination:

- a. Railhead (export or overseas) \_\_\_\_\_  
b. Railhead (domestic or import) \_\_\_\_\_

12. Scheduled date of arrival at CONUS destination for export or storage \_\_\_\_\_

13. Estimated number days in storage. (Domestic and import traffic only.) \_\_\_\_\_

14. Permit Agents Serial Number - - - - -  
(Internal control)

15. For U.S. Government Shipments:

Export (funding service symbol):

Military: A-Army; F-Air Force;

N-Navy; M-Marine Corps

Other Govt: A-Dept. of Agric;

I-Dept. of Interior, etc.

Domestic or import (requesting agency symbol)

Military: D-MTMTS.

Other Govt: G-GSA or A-Dept of

Agric; I-Dept of Interior; etc.

(Indicate com'l. shipment by "X")

16. Designator code symbol for Port of Embarkation, Interior Storage Point or Point of Public Storage - - - - -

(Use numerical  
Calendar Date)

☐ Approved.

☐ Disapproved.

Reason disapproved \_\_\_\_\_

Permit Agent \_\_\_\_\_ Date \_\_\_\_\_

## ICC TM-11-PO-1 PROCEDURAL ORDER

## INSTRUCTIONS

## APPLICATION

This request and permit format is applicable to ICC Unit Permits and ICC Port Storage Forwarding Permits required for transportation under the provisions of General Order ICC TM-11 "Control of Freight Shipments to or Within Port or Storage Areas" and implementing Procedural Order ICC TM-11-PO-1 as follows:

a. ICC Unit Permit - Carload shipments of overseas (for export by water) freight to or within the ports named in Appendix A of ICC TM-11 or carload shipments of export freight for storage at an interior storage point named by the ICC.

b. ICC Port Storage Forwarding Permit - Government domestic or import rail freight shipments aggregating 20,000 lbs. or more to or within the port areas named in Appendix B of ICC TM-11 intended for storage in a public warehouse in the port area for account of a U. S. Government Agency. (See General Order ICC TM-11 and Procedural Order ICC TM-11-PO-1 for complete application.)

## REQUESTER

1. All requesters for the above permits will use this format with the following exception:  
EXCEPTION: Military shippers will use the export, import and domestic traffic release procedures currently prescribed by regulation.
2. Items "1" through "16" will be completed as applicable and the form forwarded in duplicate to the permit agent. One copy will be retained for record purposes. Electrical transmission may be used, identifying the information submitted with the applicable item numbers in sequence.
3. The shipper is required to enter the permit number on the bill of lading or commercial shipping document.

## PERMIT AGENT

1. The permit number will be made up of the entries in the Permit Agent's Column written in sequence in the designated space at the top of the form.
2. The numerical date (Item 12) is expressed by three digits beginning with 001 for Jan. 1st thru 365 or 366 (leap year) for December 31st.
3. The three character port area and interior storage area codes are shown in Appendix C to Procedural Order ICC TM-11-PO-1.
4. Permit agent will retain a copy of permit request and forward permit number or disapproval on original request form to the requester. If reply is by electrical transmission the requesters identification number (Item 4) and permit (or disapproval) will be furnished.



## ICC TM-11-PO-1 PROCEDURAL ORDER

## Attachment C

PORT AREAS TO OR WITHIN WHICH SHIPMENTS OF OVERSEAS FREIGHT ARE  
SUBJECT TO ICC UNIT PERMIT REQUIREMENTS AND EQUIVALENT DOD DESIGNATOR

ICC ports not included in the DOD designator code are shown in "CAPS" Designators  
can be assigned to these ports (or interior storage points if named).

## KEY

Major Coast Area	Sub Area	Complete Port City Code
ATLANTIC COAST	B Maine	1B1 Portland
	D Massachusetts	1D1 Boston
	E Rhode Island Area	1E1 Providence
		--- PORTSMOUTH
		1E5 Davisville
	F Connecticut	1F1 New Haven
		1F3 New London
	G New York Area	1G1 Port of New York
		--- POUGHKEEPSIE
		--- ALBANY
	K Pennsylvania Area	1K2 Port of Philadelphia
		--- CAMDEN (N.J.)
		--- TRENTON (N.J.)
		--- WILMINGTON
	H Delaware	1L1 Baltimore
	L Maryland Area	1M1 Norfolk
	M Virginia Area	1M2 Newport News
		--- PORTSMOUTH
	P South Carolina	1P2 Charleston
	N North Carolina	1N3 Wilmington
Q Georgia	1Q1 Savannah	
R Florida	1R3 Jacksonville	
	1R5 Miami	
	1R7 Port Everglades	
	1R8 Port Lauderdale	
	--- PALM BEACH	
GREAT LAKES	S Great Lakes, Erie Area	1S1 Buffalo, N.Y.
		1S2 Cleveland, Ohio
		1S3 Detroit, Mich.
		1S4 Erie, Pa.
		1S6 Toledo, Ohio
		--- ASHTABULA, OHIO
		--- CONNEAUT, OHIO
		--- FAIRPORT, OHIO
		--- SANDUSKY, OHIO
	T Great Lakes, West Area	1T1 Chicago, Ill.
		1T3 Kenosha, Wis.
		1T5 Muskegon, Mich.
		1T7 Milwaukee, Wis.
		--- ESCANABA, MICH.

GREAT LAKES (Cont'd)T Great Lakes,  
West Area--- LUDINGTON, MICH.  
--- MINISTIQUE, MICH.  
--- MENOMINEE, MICH.  
--- KEWAUNEE, WIS.  
--- MANITOWOC WIS.  
--- RACINE, WIS.  
--- SHEBOYGAN, WIS.U Great Lakes,  
Toronto

--- ROCHESTER, N.Y.

W Great Lakes,  
Northwest Area1W1 Duluth, Minn.  
1W2 Marquette, Mich.  
--- TWO HARBORS, MINN.  
--- ASHLAND, WIS.  
--- SUPERIOR, WIS.  
--- BAY CITY, MICH.- Great Lakes,  
Huron Area

## GULF COAST

A Florida

2A2 Pensacola  
2A3 Tampa  
--- PORT TAMPA

B Alabama

2B1 Mobile  
2B2 Theodore

C Mississippi

2C1 Gulfport

D Louisiana

2D1 Baton Rouge  
2D2 Lake Charles  
2D3 New Orleans

E Texas, East

2E1 Beaumont  
2E3 Galveston  
2E4 Houston  
2E6 Port Arthur  
2F7 Corpus Christi  
3C5 Stockton

## PACIFIC COAST

F Texas, South

C San Fran., Upper  
Bay AreaD San Fran., Lower  
Bay AreaG Santa Barbara  
ChannelH Los Angeles Area  
(33° to 34°)J San Diego  
(Below 34°)B Northwest  
Wash. AreaC Whidbey  
Island AreaD Puget Sound  
Upper AreaE Puget Sound  
Lower AreaF Grays Harbor  
Area

G Astoria Ore Area

3D1 San Francisco  
3G1 Port Hueneme  
3H1 Los Angeles  
3J1 San Diego  
4B1 Bellingham  
4B2 Anacortes  
4C1 Port Angeles  
4C5 Everett  
4D2 Bremerton  
4D3 Seattle  
4E1 Tacoma  
4E2 Olympia  
4F2 Aberdeen  
4G1 Astoria

## PACIFIC COAST (Cont'd)

	H	Columbia River Inland Area	4H3	Longview
			4H5	St. Helene
			4H6	Portland
			4H7	Vancouver
			4K1	Coos Bay
	K	Oregon Coast South Area		
HAWAII	X	Hawaii	XE1	Honolulu
			---	PORT ALLEN
			XA1	Hilo
ALASKA	Y	Alaska	YC4	Seward
			YC6	Anchorage

## NUMERICAL DATE CALENDAR

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	1	32	60	91	121	152	182	213	244	274	305	335
2	2	33	61	92	122	153	183	214	245	275	306	336
3	3	34	62	93	123	154	184	215	246	276	307	337
4	4	35	63	94	124	155	185	216	247	277	308	338
5	5	36	64	95	125	156	186	217	248	278	309	339
6	6	37	65	96	126	157	187	218	249	279	310	340
7	7	38	66	97	127	158	188	219	250	280	311	341
8	8	39	67	98	128	159	189	220	251	281	312	342
9	9	40	68	99	129	160	190	221	252	282	313	343
10	10	41	69	100	130	161	191	222	253	283	314	344
11	11	42	70	101	131	162	192	223	254	284	315	345
12	12	43	71	102	132	163	193	224	255	285	316	346
13	13	44	72	103	133	164	194	225	256	286	317	347
14	14	45	73	104	134	165	195	226	257	287	318	348
15	15	46	74	105	135	166	196	227	258	288	319	349
16	16	47	75	106	136	167	197	228	259	289	320	350
17	17	48	76	107	137	168	198	229	260	290	321	351
18	18	49	77	108	138	169	199	230	261	291	322	352
19	19	50	78	109	139	170	200	231	262	292	323	353
20	20	51	79	110	140	171	201	232	263	293	324	354
21	21	52	80	111	141	172	202	233	264	294	325	355
22	22	53	81	112	142	173	203	234	265	295	326	356
23	23	54	82	113	143	174	204	235	266	296	327	357
24	24	55	83	114	144	175	205	236	267	297	328	358
25	25	56	84	115	145	176	206	237	268	298	329	359
26	26	57	85	116	146	177	207	238	269	299	330	360
27	27	58	86	117	147	178	208	239	270	300	331	361
28	28	59	87	118	148	179	209	240	271	301	332	362
29	29		88	119	149	180	210	241	272	302	333	363
30	30		89	120	150	181	211	242	273	303	334	364
31	31		90		151		212	243		304		365

For leap year add one to each date after 28 February

**OEP - OCD (POD) REGIONS**

The map displays the following regions and key locations:

- Region 1:** Northeast, including New York, New Jersey, and Pennsylvania. Key locations: New York, Philadelphia, and Washington.
- Region 2:** Mid-Atlantic, including Maryland, Delaware, and Virginia. Key locations: Baltimore, Washington, and Richmond.
- Region 3:** Southeast, including Georgia, Florida, and Alabama. Key locations: Atlanta, Jacksonville, and Mobile.
- Region 4:** South, including Texas, Oklahoma, and Arkansas. Key locations: Dallas, Oklahoma City, and Little Rock.
- Region 5:** West, including California, Nevada, and Arizona. Key locations: San Francisco, Sacramento, and Phoenix.
- Region 6:** Mountain West, including Colorado, Utah, and New Mexico. Key locations: Denver, Salt Lake City, and Albuquerque.
- Region 7:** Northwest, including Washington, Oregon, and Idaho. Key locations: Seattle, Portland, and Boise.
- Region 8:** Pacific Northwest, including Alaska and Hawaii.

**Legend:**

- ZI Army Area Boundaries
- ★ NATIONAL OFFICE
- REGIONAL OFFICES

[EPR Doc. 34-114]

## GENERAL ORDER ICC TM-12

As amended July 31, 1969

**INVENTORY AND DISPOSITION OF SHIPMENTS OF FOOD AND MEDICAL SUPPLIES  
REQUISITIONED BY GOVERNMENT IN POSSESSION OF RAILROADS AND MOTOR CARRIERS**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate and allocate the use of certain freight equipment and facilities in interstate or foreign commerce to effectuate such action as the government of the United States may take in requisitioning for civil defense purposes shipments of certain food and medical supplies in possession of railroads and motor carriers. In the formulation of this order, as hereby amended consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-12 is hereby amended to read as follows:

Sec.

1. Retention by railroads and motor carriers of certain food shipments; inventory; disposition by Department of Agriculture.
2. Retention by railroads and motor carriers of certain medical supplies shipments; inventory; disposition by Department of Health, Education, and Welfare.
3. Applicability.
4. Definitions.
5. Communications.

**AUTHORITY:** Section 1 to 5, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, ICC Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Retention by railroads and motor carriers of certain food shipments; inventory; disposition by Department of Agriculture.** Every common carrier by railroad and every motor carrier engaged in transporting property in over-the-road service, having in its possession any shipments of food requisitioned by the government, notwithstanding any bill of lading, contract, charter, lease, or other commitment, express or implied, with respect to the transportation and delivery of any such shipment of food, shall retain all of such requisitioned shipments in its possession,

at any point convenient to it, and hold for further disposition orders from the Department of Agriculture; and such carrier shall forthwith and not later than 72 hours after such requisitioning report to the Chairman, United States Department of Agriculture, State or County Defense Board in and for the State or County in which the shipments are retained, a list of such shipments in the possession of such carrier, including with respect to each shipment a general description of the commodity, quantity, the names and addresses of the consignor and consignee, and the exact location where each such shipment is being held. Further transportation and delivery of such shipments shall be in accordance with shipping and delivery instructions furnished to the carrier by such Defense Board.

**Sec. 2. Retention by railroads and motor carriers of certain medical supplies shipments; inventory; disposition by Department of Health, Education, and Welfare.** Every common carrier by railroad and every motor carrier engaged in transporting property in over-the-road service, having in its possession any shipments of medical supplies requisitioned by the Department of Health, Education, and Welfare, notwithstanding any bill of lading, contract, charter, lease, or other commitment, express or implied, with respect to the transportation and delivery of any such shipment of medical supplies, shall retain all of such requisitioned shipments in its possession, at any point convenient to it, and hold for further disposition orders from the Department of Health, Education, and Welfare unless disposition orders accompany the requisition order; and such carrier shall forthwith and not later than 72 hours after such requisitioning report in writing to the Department of Health, Education, and Welfare at an address to be provided in the requisitioning order, a list of such shipments in the possession of such carrier, including with respect to each shipment a general description of the commodity, quantity, the names and addresses of the consignor and consignee, and the exact location where each such shipment is being held. Further transportation and delivery of such shipments shall be in accordance with shipping and delivery instructions furnished to the carrier by the Department of Health, Education, and Welfare.

**Sec. 3. Applicability.** The provisions of this order shall be applicable in the United States including, the District of Columbia but not including any territory or possession of the United States.

**Sec. 4. Definitions.** As used in this order (§ 1 to 5, inclusive):

(a) The term "common carrier by railroad" means any carrier by railroad or an express company subject to Part I of the Interstate Commerce Act, as amended.

(b) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle in over-the-road service.

(c) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(d) The term "property" means anything, except persons, capable of being transported by railroad or motor vehicle.

(e) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, or (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.

(f) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area or any municipality or urban community and those within and between contiguous municipalities or urban communities.

Sec. 5. **Communications.** Communications concerning this order should refer to "General Order ICC TM-12, as amended", and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-12, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-12, as amended June 15, 1962, is hereby superseded.

Chairman  
Interstate Commerce Commission



[EER Doc. 34-15]

**CONTROL OF LIQUID TRANSPORT VESSELS**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of liquid transport vessels and facilities for the preferential transportation by water of shipments for civil defense, the Department of Defense, the Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, consultation with industry representative, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-13 is hereby amended to read as follows:

Sec.

1. Control of liquid transport vessels.
2. Appointment of agent; supervision and reservation.
3. Exemptions.
4. Applicability.
5. Definitions.
6. Communications.

**AUTHORITY:** Section 1 to 6, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, ICC Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

**Sec. 1. Control of liquid transport vessels.** Any person having possession or control of any liquid transport vessel shall, notwithstanding any contract, charter, lease, arrangement, or other commitment, express or implied, with respect to the use or operation of such vessel, cause such vessel (a) to be operated in such manner, for such purposes, and between such ports and points, as the Interstate Commerce Commission shall from time to time direct, and (b) to be leased, chartered, or rented to such person or persons as the Interstate Commerce Commission shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the lease, charter, rental, or use of any such vessel, so directed to be leased, chartered, or rented, the amount of such compensation shall be such amount as shall be determined by the Interstate Commerce Commission or other competent government authority.

**Sec. 2. Appointment of agent; supervision and reservation.**

(a) The Director, Bureau of Operations, Interstate Commerce Commission, is hereby appointed agent of the Commission and is hereby vested with authority to control the movement of liquid transport vessels. When necessary, he shall direct the distribution of all liquid transport vessels without regard to ownership, or assignment, so as to increase provident utilization of such vessels. He is authorized and directed to supervise, coordinate, and direct the distribution of all liquid transport vessels to meet the needs of the various loading areas, and to

require any common carrier by water to deliver, accept, or transport empty liquid transport vessels for the purpose of providing a supply of such vessels at points where products are loaded.

(b) The authority herein delegated may be exercised by said agent through such members of the staff of the Interstate Commerce Commission, as he may designate.

(c) The exercise of the authority conferred by this order shall be subject to the general control and supervision of the Chairman of the Commission, and the right of modification or revocation by the Chairman in any specific case. Notwithstanding any provisions of this order, the Chairman, in his discretion, may exercise from time to time any authority, or perform any function or duty, delegated by this order.

**Sec. 3. Exemptions.** The provisions of this order shall not apply to liquid transport vessels owned, controlled, or operated by the United States or any department or agency thereof except governmental corporations.

**Sec. 4. Applicability.** The provisions of this order shall be applicable in the United States.

**Sec. 5. Definitions.** As used in this order (§ 1 to 6 inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "liquid transport vessel" means any vessel or watercraft, or other contrivance designed or converted for use, or which is used, or is capable of being used, as a means of transportation of liquid or gaseous cargo in bulk by water.

**Sec. 6. Communications.** Communications concerning this order should refer to "General Order ICC TM-13" and should be addressed to the Interstate Commerce Commission, Washington, D.C. 20423.

This General Order ICC TM-13, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order TM-13, issued July 15, 1964, is hereby superseded.

Chairman  
Interstate Commerce Commission