

Decision No. 88591

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
 for the purpose of considering and )  
 determining minimum rates for )  
 transportation of rock, sand, )  
 gravel and related items in bulk, )  
 in dump truck equipment in Southern )  
 California as provided in Minimum )  
 Rate Tariff 17-A and Southern )  
 California Production Area and )  
 Delivery Zone Directory, and the )  
 revisions or reissues thereof. )

Case No. 9819  
 Petition for Modification  
 No. 4  
 Petition for Modification  
 No. 7

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariff 17-A (MRT 17-A) names minimum rates for the transportation of rock, sand, and gravel and related commodities by highway carriers in dump truck equipment.

Decision No. 88440 issued January 31, 1978 in the captioned proceedings and Case No. 5437 (OSH 238) et al. found that the provisions of Minimum Rate Tariffs 7-A, 17-A, and 20 should be revised to provide divisions of revenues between overlying and underlying carriers when trailers are furnished by the former, and that MRT 17-A should be amended by separate order.

On February 10, 1978, California Trucking Association filed a petition seeking rehearing of the aforementioned decision which automatically stayed the order until the petition was granted or denied.

By Decision 88577 signed March 7, 1978, in the above mentioned proceedings, the Commission denied the petition for rehearing of Decision 88440, filed by the California Trucking Association and reinstated the provisions of Decision 88440.

Pursuant to Resolution A-4661.

IT IS ORDERED that:

1. Minimum Rate Tariff 17-A (Appendix C to Decision No. 80578, as amended) is further amended by incorporating therein, to become

effective May 1, 1978, the supplement and revised pages contained in Appendix A, attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they also are subject to Decision No. 80578, as amended, are directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.

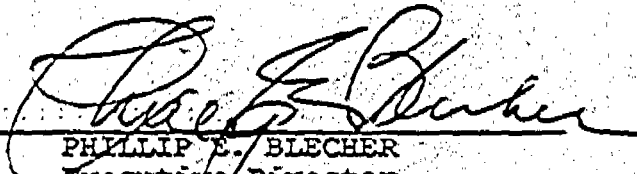
3. Tariff publications required to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and shall be made effective May 1, 1978 on not less than ten days' notice to the Commission and to the public.

4. Common carriers, in establishing and maintaining the amendments authorized by this order, are authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects, Decision Nos. 88440 and 80578, as amended, shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 21st day of MARCH, 1978.

  
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PHILLIP E. BLECHER  
Executive Director  
Of the Public Utilities  
Commission of the State of California

APPENDIX A

LIST OF SUPPLEMENT AND REVISED PAGES TO  
MINIMUM RATE TARIFF 17-A

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(END OF APPENDIX A)

VACATING SUPPLEMENT

SUPPLEMENT 13

(Cancels Supplement 12)

(Supplements 6 and 13 Contain All Changes)

TO

MINIMUM RATE TARIFF 17-A

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY

IN DUMP TRUCK EQUIPMENT FROM

DEFINED PRODUCTION AREAS TO DESIGNATED DELIVERY ZONES

AND POINTS IN SOUTHERN CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

VACATING NOTICE

The suspension notice contained in Supplement 12 is vacated and the following tariff pages shall become effective May 1, 1978.

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FIRST	REVISED	PAGE	1-1
FIRST	REVISED	PAGE	1-2

Decision No.

**88591**

EFFECTIVE MAY 1, 1978

Issued by the  
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
State Building, Civic Center  
San Francisco, California 94102

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§ Change )  
 \* Addition ) Decision No. **88591**  
 \*\* Eliminated )

EFFECTIVE MAY 1, 1978

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
 SAN FRANCISCO, CALIFORNIA.

Correction

SECTION 1--RULES (CONTINUED)	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Concluded)</p> <p>SYSTEM OF DELIVERY ZONES means the following delivery zones which, in total, shall be deemed as comprising a single system of delivery zones (not applicable when point of origin is in San Diego County):</p> <p style="padding-left: 40px;">All zones in Los Angeles County except zones numbered 19800 to 19948, inclusive; all zones in Orange County; all zones in Riverside County; all zones in San Bernardino County except zones numbered 36500 to 36510, inclusive; San Diego County zones numbered 29 to 89, inclusive; all zones in Santa Barbara County; and all zones in Ventura County.</p> <p>(When point of origin is in San Diego County, the following delivery zones, in total, shall be deemed as comprising a single system of delivery zones: Orange County Delivery Zones 30066 to 30071, inclusive, 30094 to 30118, inclusive, and all zones in San Diego County except zones numbered 29 to 89, inclusive.)</p> <p>STEAM TRACK means a point at which property may be loaded into or upon, or unloaded from rail cars by the public generally. **</p> <p>TON means 2,000 pounds.</p> <p>*TRACTOR means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.</p> <p>UNDERLYING CARRIER (independent-contractor subhauler) means any carrier who renders service for an overlying carrier (principal carrier) for a specified recompense, for a specified result, under the control of the overlying carrier as to the result of the work only and not as to the means by which such result is accomplished.</p> <p>UNIT OF EQUIPMENT means a truck, a tractor, a trailer, a semitrailer, or any combination of the foregoing operated in a train.</p> <p>WEIGHT TICKET means the shipper's scale weight ticket supplied to the carrier by the consignor at the point of origin and completed by the consignee at the point of destination.</p>	<p>620</p>
<p>                 ♂ Change            )                  * Addition        ) Decision No.   <b>88591</b>                  ** Eliminated    )             </p>	
<p>EFFECTIVE MAY 1, 1978</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                  SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

ITEM	SECTION 1--RULES (CONTINUED)
40	<p style="text-align: center;">APPLICATION OF TARIFF--CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act. They apply for transportation of property by radial highway common carriers, highway contract carriers and dump truck carriers, as defined in said Highway Carriers' Act, in bulk in dump truck equipment.</p>
60	<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff making specific reference to this item apply for the transportation of the following commodities:</p> <p>Asphaltic or cement concrete, crushed or recrushed;</p> <p>Rock, natural, crushed, chips, waste or dust (Subject to Notes 1 and 2);</p> <p>Sand;</p> <p>Gravel;</p> <p>Cement, in dry mixtures with the above commodities, in batches (Subject to Note 3).</p> <p>NOTE 1.--The term "rock", as used herein, includes stone.</p> <p>NOTE 2.--The term "rock", as used herein, does not include any rock or rocks, having a combined length and girth in excess of 65 inches per single rock.</p> <p>NOTE 3.--Rates in this tariff apply for the transportation of cement only when the volume of the cement does not exceed one-third of the volume of the shipment.</p>
65	<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff making specific reference to this item apply for the transportation of the following commodities (Subject to Notes 2 and 3):</p> <p>Asphaltic concrete;</p> <p>Cold road oil mixture;</p> <p>Cold liquid asphalt in containers not exceeding 5 gallons capacity per container (Subject to Note 1).</p> <p>NOTE 1.--Cold liquid asphalt will be transported under the provisions of this tariff, at rates which apply for the transportation of asphaltic concrete, when tendered for transportation with, and as part of, a shipment of asphaltic concrete, and when the quantity so tendered does not exceed 15 gallons per shipment.</p> <p>NOTE 2.--When these commodities are transported in trucks without trailing equipment, the rates in Sections 11, 12, 13, 14 and 15 will apply.</p> <p>NOTE 3.--When these commodities are transported in trucks with trailing equipment or tractors with trailers, the hourly rates in Minimum Rate Tariff 7-A will apply.</p>
<p style="text-align: center;">No change on this page, Decision No. <b>88591</b></p>	
<p style="text-align: right;">EFFECTIVE MAY 1, 1978</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,          SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 1--RULES (CONTINUED)	ITEM
<p style="text-align: center;"><b>CHARGE FOR TRACTOR AND DRIVER WITHOUT TRAILING EQUIPMENT.</b></p> <p>Charges to be paid by a consignor, consignee or other person responsible for payment of freight charges (except an overlying carrier) to a carrier furnishing a tractor and driver without trailing equipment, but towing trailing equipment furnished by the debtor, consignee or consignor, shall be not less than 85 percent of the otherwise applicable charge. In assessing charges under the tonnage (zone) rates contained in Sections 3, 4, 5, 6, 7, 8, 9, 10 and 16 of this tariff, the carrier furnishing the tractor and driver, need not assess a charge for the amount of the unladen weight of the trailing equipment when under load, nor assess a charge for the empty return movement. (See Exception)</p> <p><b>EXCEPTION.</b>--The provisions of this item shall not apply when trailing equipment is furnished by any party other than the debtor, consignee or consignor, of the specific transportation charges involved. (See Item 460)</p>	*250
<p style="text-align: center;"><b>CHARGE FOR TRACTOR AND DRIVER WITHOUT TRAILING EQUIPMENT. (BY OVERLYING CARRIER)</b></p> <p>Except as provided in Note 1, charges to be paid by an overlying carrier to an underlying carrier furnishing a tractor and driver without trailing equipment, but towing trailing equipment furnished by the overlying carrier shall be not less than 80 percent of the charges applicable under the minimum rates prescribed in this tariff. In assessing charges under the tonnage (zone) rates contained in Sections 3, 4, 5, 6, 7, 8, 9, 10 and 16 of this tariff, the carrier furnishing the tractor and driver need not assess a charge for the amount of the unladen weight of the trailing equipment when under load, nor assess a charge for the empty return movement.</p> <p><b>NOTE 1.</b>--The overlying carrier shall be entitled to deduct from the charges to be paid under this item any amount that the overlying carrier is entitled to retain under the application of Item 460.</p> <p><b>NOTE 2.</b>--An overlying carrier shall not require that an underlying carrier use trailers owned or controlled by the overlying carrier as a condition precedent to the engagement of the underlying carrier's service.</p>	*255
<p>* Addition, Decision No. <b>88591</b></p>	
<p>EFFECTIVE MAY 1, 1978</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                  SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	



SECTION 1--RULES (CONTINUED)	ITEM
<p style="text-align: center;">COMPUTATION OF CHARGES FOR SHIPMENTS TO DELIVERY ZONES                      FOR WHICH SPECIFIC ZONE RATES ARE NOT PROVIDED</p> <p>When a shipment is transported from a production area to a delivery zone, both of which are located within a same system of delivery zones, and when a specific zone rate is not provided for the transportation performed, the applicable rate shall be calculated as follows:</p> <ul style="list-style-type: none"> <li>a. Determine the delivery zone (along route of movement) which is nearest to point of destination and to which a zone rate from the same production area is provided in the tariff.</li> <li>b. Add to the rate to said delivery zone from said production area an additional 6 cents per ton for each mile or fraction thereof traversed from point of departure from said delivery zone to point of destination. (Subject to Note 1)</li> <li>c. Add to the rate to said delivery zone from said production area a rate of 9 cents per ton for each mile or fraction thereof traversed from point of departure from said delivery zone to point of destination. (Subject to Note 2)</li> </ul> <p>NOTE 1.--Applies in computation of rate for commodities named in Item 60.</p> <p>NOTE 2.--Applies in computation of rate for commodities named in Items 65 and 70.</p>	320
<p style="text-align: center;">COMPUTATION OF CHARGES FOR SHIPMENTS TO DESTINATIONS                      OUTSIDE OF A SYSTEM OF DELIVERY ZONES</p> <p style="text-align: center;">(For limitation on applicability of this item, see Note 1)</p> <p>When a shipment is transported from a production area to a point of destination outside of a system of zones, the zone rates shall be used as a bases for computing charges as follows:</p> <ul style="list-style-type: none"> <li>A. (Does not apply when the point of origin of the shipment is a San Diego County production area.) Add to the zone rate from the same production area to the last delivery zone passed through on the route of movement a rate of 10 cents per ton for each mile or fraction thereof traversed from point of departure from the last delivery zone to point of destination. (Subject to Note 2)</li> <li>B. (Applies only when the point of origin of the shipment is a San Diego production area.) Add to the zone rate from the same production area to the last delivery zone passed through on the route of movement a rate of 8 cents per ton for each mile or fraction thereof traversed from point of departure from the last delivery zone to point of destination. (Subject to Note 3)</li> </ul> <p style="text-align: center;">(Continued)</p>	340
<p>No change on this page, Decision No. <b>88591</b></p>	
<p>EFFECTIVE MAY 1, 1978</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                  SAN FRANCISCO, CALIFORNIA.</p>

ITEM	SECTION 1--RULES (CONTINUED)
340	<p style="text-align: center;">COMPUTATION OF CHARGES FOR SHIPMENTS TO DESTINATIONS OUTSIDE OF A SYSTEM OF DELIVERY ZONES (Concluded)</p> <p style="text-align: center;">(For limitation on applicability of this item, see Note 1)</p> <p>C. Add to the zone rate from the same production area to the last delivery zone passed through on the route of movement a rate of 14 cents per ton for each mile or fraction thereof traversed from point of departure from the last delivery zone to point of destination. (Subject to Note 4)</p> <p>NOTE 1.--The provisions of this item do not apply:</p> <ul style="list-style-type: none"><li>a. to shipments delivered to destinations 10 or more miles, by route of movement, from point of departure from system of delivery zones, or</li><li>b. to shipments to destinations in unzoned areas in Riverside or San Bernardino Counties, or</li><li>c. to shipments to destinations in unzoned areas in Orange County when the point of origin is in a San Diego County production area.</li></ul> <p>Charges for the transportation of shipments specified in this Note shall be computed in accordance with the provisions of Minimum Rate Tariff 7-A.</p> <p>NOTE 2.--Applies in computation of rate for commodities named in Items 60, 70 and 75.</p> <p>NOTE 3.--Applies in computation of rate for commodities named in Item 60.</p> <p>NOTE 4.--Applies in computation of rate for commodities named in Item 65.</p>
360	<p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Except as is otherwise provided, distances to be used in connection with distance rates in this tariff shall be the actual mileages traversed, including any detour to and from scales to obtain weight of shipment.</p>
380	<p style="text-align: center;">DEBRIS CLEANUP</p> <p>When debris cleanup is performed by a carrier at the hourly rates in Minimum Rate Tariff 7-A, and when said service is performed at a job site as an incidental service to the carrier's transporting asphaltic concrete to said job site under the zone rates elsewhere provided herein, the minimum charge shall be that for one-half hour at the applicable hourly rate.</p>
390	<p style="text-align: center;">DISPOSITION OF FRACTIONS</p> <p>In computing a rate or charge based on percentage, the following will govern the disposition of fractions:</p> <p>Fractions of less than <math>\frac{1}{4}</math> or .50 of a cent omit.</p> <p>Fractions of <math>\frac{1}{4}</math> or .50 of a cent or greater, increase to next whole figure.</p>
<p>No change on this page, Decision No. <b>88591</b></p>	
<p>EFFECTIVE MAY 1, 1978</p>	
Correction	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES (CONTINUED)	ITEM
<p style="text-align: center;">METHOD OF DETERMINING WEIGHT OF SHIPMENT</p> <p>Actual weight of the shipment shall be used when furnished by the shipper or when obtained by the carrier at the shipper's direction and expense.</p> <p>Otherwise, charges for commodities listed in:</p> <p>a. Items 60, 70 and 75 shall be computed upon the basis of 2,800 pounds per cubic yard when loaded in dump truck equipment.</p> <p>b. Item 65 shall be computed on the basis of 3,200 pounds per cubic yard when loaded in dump truck equipment.</p> <p>EXCEPTION.--When rail rates are used under the provisions of Items 200 and 220 of this tariff, actual, estimated or agreed weights shall be used to compute charges in accordance with the provisions of the governing rail tariff.</p>	420
<p style="text-align: center;">MINIMUM CHARGE</p> <p>The minimum charge per shipment shall be the charge for:</p> <p>a. 14 tons at the applicable rate for commodities described in Item 60.</p> <p>b. 12 tons at the applicable rate for commodities described in Items 65 and 70. (See Exception)</p> <p>c. 13 tons at the applicable rate for commodities described in Item 75.</p> <p>EXCEPTION.--When a shipment of asphaltic concrete or cold road oil mixture (also cold liquid asphalt in containers) is transported in a two-axle dump truck, and when the freight bill is so noted and the truck is identified on the freight bill, the minimum charge for the transportation of the shipment shall be the charge for transporting, 10 tons at the applicable rate.</p>	440
<p>No change on this page, Decision No. <b>88591</b></p>	
<p>EFFECTIVE MAY 1, 1978</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                  SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

ITEM	SECTION 1--RULES (CONTINUED)
6460	<p style="text-align: center;">PAYMENTS TO UNDERLYING CARRIERS</p> <p>§ Except as provided in Item 255, charges paid by any overlying carrier to an underlying carrier and collected by the latter carrier from the former for the service of said underlying carrier shall be not less than 95 percent of the charges applicable under the minimum rates prescribed in this tariff, less the gross revenue tax applicable and required to be paid by an overlying carrier (See Notes 1 and 2). The underlying carrier may extend credit to the overlying carrier for a period not to exceed twenty days following the last day of the calendar month in which the transportation was performed, and payment to the underlying carrier must be made within that time. Freight bills for transportation and accessorial charges shall be presented by the underlying carriers to overlying carriers within three days after the last calendar day of the month in which the transportation was performed.</p> <p>§NOTE 1.--As used in this item the term "gross revenue tax" means the fees payable to the California Public Utilities Commission under the Transportation Rate Fund Act.</p> <p>§NOTE 2.--Nothing herein contained shall prevent an overlying carrier, in paying such charges, from deducting therefrom such liquidated amounts as may be due from the underlying carrier to the overlying carrier, providing such deductions have been authorized in writing by the underlying carrier. Any overlying carrier electing to employ this procedure shall itemize such amounts and maintain for the Commission's inspection all documents involved in the transaction. The term "liquidated amounts" as used in this item, shall not include, when the underlying carrier provides a tractor and driver without trailing equipment, charges pertaining to the operation and maintenance of trailing equipment such as: tires, tubes, parts, repairs, maintenance, painting, and cleaning.</p>
480	<p style="text-align: center;">RATES FOR DRY MIXTURES OF ROCK, SAND AND GRAVEL (WITH OR WITHOUT CEMENT) IN BATCHES</p> <p>Rates for the transportation of dry mixtures of two or more of the commodities listed in Item 60, in batches, shall be 17 cents per ton more than the rates otherwise provided in this tariff for the transportation of rock, sand and gravel between the same points.</p>
500	<p style="text-align: center;">REFERENCES TO ITEMS, OTHER TARIFFS AND GENERAL ORDERS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs or publications include references to amendments and successive issues of such other tariffs or publications and references to general orders include references to amendments or successive issues of such general orders.</p>
<p>§ Change )        * Addition ) Decision No. <b>88591</b></p>	
<p>EFFECTIVE MAY 1, 1978</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,        SAN FRANCISCO, CALIFORNIA.</p>	

Correction

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">REPAIRS OR REPLACEMENTS TO TRAILING EQUIPMENT</p> <p>When it becomes necessary for the carrier furnishing the tractor and driver without trailing equipment, under provisions of Item 250, to repair or replace any part of the trailing equipment furnished by the debtor, consignee or consignor, the debtor, consignee or consignor shall be charged and the carrier shall collect for all parts and expenses, including communication, labor and tow truck service incurred by the carrier.</p>	515
<p style="text-align: center;">MIXED SHIPMENTS</p> <p>When two or more commodities for which two or more different rates are provided in this tariff, or rates are provided in this tariff and Minimum Rate Tariff 7-A, and these commodities are intermingled in a shipment, the rate and tariff applicable to the commodity or commodities (if more than one commodity is subject to the same rate) in the shipment having the greatest aggregate actual weight shall apply. The rate thus determined shall be applied to the total weight of the shipment. (See Note)</p> <p>NOTE.--When a shipment described in the above paragraph consists of two intermingled commodities which are of equal weight and different rates apply to each commodity, the higher rate and the appropriate tariff shall apply.</p>	518
<p>Change, Decision No. <b>88591</b></p>	
EFFECTIVE MAY 1, 1978	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction