

Decision No. 35348

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
ORA B. HEPLLE doing business as the )  
Heple Transportation Company, author- )  
izing transfer of a certificate of )  
public convenience and necessity to )  
operate as a passenger stage corpo- )  
ration between Santa Cruz, )  
California and 17th Avenue and )  
Division Street, and for issuance of )  
an in lieu certificate. )

Application No. 24804

BY THE COMMISSION:

**ORIGINAL**

O P I N I O N

In this proceeding, as amended, Ora B. Heple, doing business as Heple Transportation Company, requests an order of the Commission authorizing her to acquire a passenger stage operative right between Santa Cruz and a point in Santa Cruz County at the intersection of 17th Avenue and Division Street and intermediate points. The terminus of this line at 17th Avenue and Division Street is about two miles east of the easterly boundary of the city of Santa Cruz. She also requests the Commission to issue to her a certificate de novo in lieu of that operative right including therein a certificate between Santa Cruz and the Santa Cruz County Hospital and between points within the city of Santa Cruz. Those services involve operations over four different routes, only one of which is now certificated.

In support of the authority sought, it is asserted by applicant that Ralph L. Heple died on the 31st day of December 1933, leaving surviving him as his sole beneficiary under his last will and testament his wife, applicant herein, Ora B. Heple. Applicant

having been advised and believing that she was entitled to continue the certificated passenger stage operation without the formality of probating said last will and testament, ever since the death of said Ralph L. Heple, has continued that operation uninterruptedly under the name Heple Transportation Company and it is still so conducted,

It is pointed out in the application that shortly prior to the death of Ralph L. Heple the scope of the certificated operation was reduced, under the authority of the Commission by the approval of a partial abandonment, so that this operation now being conducted is limited to an operation over certain defined streets in Santa Cruz to and from a point approximately two miles distant from the east boundary thereof.

It is further alleged that for several years last past applicant has continuously provided a passenger stage service over and along certain routes and between points within the corporate boundaries of Santa Cruz in a bona fide and continuing belief that such operations confined within the limits of the municipality were not subject to the jurisdiction of the Commission and, therefore, did not apply for and obtain a certificate of public convenience and necessity. Applicant, having been recently informed that because of her other passenger stage operations between Santa Cruz and a point outside that city the operations wholly within the city are also subject to the jurisdiction of this Commission, now seeks a certificate of public convenience and necessity for that service.

After due consideration of this matter the Commission is of the opinion and so finds that the authority sought by applicant is in the public interest and should be granted. The

order will so provide. There is no other public carrier providing service comparable to that of applicant and it appears that a public hearing is not necessary.

O R D E R

Based upon the findings as set forth in the foregoing opinion:

IT IS ORDERED that Ora B. Heple is hereby authorized to acquire a passenger stage operative right between Santa Cruz and the intersection of 17th Avenue and Division Street and intermediate points as created by Decision No. 22492, dated May 29, 1930, as amended by Decision No. 26597, dated December 4, 1933.

IT IS FURTHER ORDERED that in lieu of the operative right created by Decision No. 22492 a certificate of public convenience and necessity be and it hereby is granted to Ora B. Heple authorizing the establishment and operation of service as a passenger stage corporation, as defined by Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers between Santa Cruz and the intersection of 17th Avenue and Division Street and intermediate points, and between Santa Cruz and Santa Cruz County Hospital and intermediate points, and between points within the city of Santa Cruz as one unified operation, subject to the following condition:

Ora B. Heple, her successors or assigns, may never claim before this Commission, or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that the operative right heretofore created by Decision No. 22492, dated May 29, 1930, is hereby revoked and annulled.

IT IS FURTHER ORDERED that in the operation of the passenger stage service pursuant to the foregoing certificate, the following service regulations shall be observed:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall comply with the rules of the Commission's General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify them at any time by further order, applicant shall conduct passenger stage service, pursuant to the certificate herein granted, over and along the following routes:
  - (1) Beginning at the intersection of Pacific Avenue and Soquel Avenue in Santa Cruz, thence northerly along Pacific Avenue to Soquel Avenue; thence easterly along Soquel Avenue to Seabright Avenue; thence southerly along Seabright Avenue to Atlantic Street; thence easterly along Atlantic Street to East Cliff Drive; thence easterly along East Cliff Drive to the easterly City limits of the City of Santa Cruz; thence continuing easterly along said East Cliff Drive to 11th Avenue; thence northerly along 11th Avenue to Division Street; thence easterly along Division Street to the intersection of Division Street and 17th Avenue; thence returning via the reverse of the foregoing route to the intersection of Soquel Avenue and Front Street; thence southerly along Front Street to Cathcart Street; thence westerly along Cathcart Street to Pacific Avenue; thence northerly along said Pacific Avenue to the point of commencement.
  - (2) Beginning at the intersection of Beach Street and Cliff Street; thence along Beach Street to Pacific Avenue to Mission Street; thence along Mission Street to Younglove Avenue; thence along Younglove Avenue to Errett Circle; thence southwesterly along Errett Circle to Woodrow Avenue; thence along Woodrow Avenue to the intersection of Woodrow Avenue and Pelton Street.
  - (3) Beginning at the intersection of Pacific Avenue and Water Street, thence along Water Street to Stanford Avenue; thence along Stanford Avenue to Chilverton Avenue; thence along Chilverton Avenue to Morrissey Avenue; thence along Morrissey Avenue to Martin Boulevard; thence along Martin Boulevard to Holway Drive; thence along Holway Drive to La Fonda Street; thence along La Fonda Street to McIntyre Road; thence returning along McIntyre Road to Martin Boulevard;

thence along Martin Boulevard to Pacheco Avenue;  
thence along Pacheco Avenue to Soquel Avenue;  
thence along Soquel Avenue to Water Street;  
thence along Water Street to Pacific Avenue.

- (4) Beginning at the intersection of Water Street and Ocean Street, thence along Ocean Street to Plymouth Street; thence along Plymouth Street to Grant Street; thence along Grant Street to Emeline Street; thence along Emeline Street to the County Hospital near the boundary of the city of Santa Cruz.

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

Dated at San Francisco, California, this 12<sup>th</sup> day of May, 1942.

W. H. Rieley  
M. B. K.  
Francis D. Havens  
Richard H. ...  
COMMISSIONERS