

Decision No. 38613

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application)	
of ORA B. HEPLER for a new certificate)	
to operate passenger stage service)	Application No. 27149
between Santa Cruz and adjacent points)	
in lieu of present operative rights.)	

O P I N I O N

Ora B. Heple, doing business as Heple Transportation Company, is providing a passenger stage service within Santa Cruz and between Santa Cruz and certain adjacent areas pursuant to a certificate granted by Decision No. 35348. Service under such certificate is provided over four different routes.

In the above entitled application she requests authority to extend one of these routes for a distance of approximately 0.8 miles and establish an additional route in order to serve the Live Oak District situated easterly of Santa Cruz. She also requests that a new certificate be granted in the place and stead of that issued by Decision No. 35348. The application states that numerous requests for such extensions have been received from residents of the Live Oak District.

Applicant presently charges a local one-way cash fare of ten cents, with a privilege of free transfer between routes. Tokens good for one way fare including free transfer privilege are sold at the rate of four for twenty-five cents. Such fares will be applicable to the proposed extensions. Applicant's present service is operated during peak periods and off peak periods under headways of about 20 minutes and 30 minutes, respectively. Similar service is proposed over the new routes.

After full consideration of applicants' request, it is our opinion that there is a public need for the proposed extension of service. No other common carrier would be adversely affected and no public hearing is necessary.

Ora B. Heple is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

O R D E R

An application therefor having been filed and it being hereby found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Ora B. Heple, authorizing the establishment and operation of service as a passenger stage corporation as defined by Section 24 of the Public Utilities Act, for the transportation of passengers within Santa Cruz and between Santa Cruz and the Santa Cruz County Hospital, Mission Cliffs, Twin Lakes, Laveaga Park and Live Oak District and intermediate points.

(2) That such certificate is granted in the place and stead of that issued by Decision No. 35348 which is hereby revoked and annulled.

(3) That, in providing the service pursuant to the foregoing certificate, applicant shall comply with and observe the following service regulations:

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- (b) Applicant shall, within 60 days from the effective date hereof, and on not less than 1 day's notice to the Commission and the public, establish the service herein authorized and comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time tables satisfactory to the Commission.
- (c) Subject to the authority of the Commission to change or modify them by further order, applicant shall conduct further operations pursuant to the certificate herein granted over and along the following routes:

Route A - (Mission-Cliffs): Beginning at the intersection of Beach Street and Cliff Street; thence along Beach Street, Pacific Avenue, Mission Street, Younglove Avenue, Errett Circle, Woodrow Avenue to Pelton Street.

Route B - (Seabright, Twin Lakes, Del Mar, Brommer Street): Beginning at the intersection of Soquel Avenue and Front Streets; thence along Front Street, Cathcart Street, Pacific Avenue, Soquel Avenue, Seabright Avenue, Atlantic Avenue, East Cliff Drive, Eleventh Avenue, Division Street to Seventeenth Avenue; along Seventh Avenue between Brommer Street and East Cliff Drive.

Route C - (Laveaga Park): Beginning at the intersection of Pacific Avenue and Water Street; thence along Water Street, Stanford Avenue, Chilverton Avenue, Morrissey Avenue, Martin Boulevard, Holway Drive, La Fonda Street, McIntyre Road, Martin Boulevard, Pacheco Avenue, Soquel Avenue and Water Street, to the intersection of Water Street and Stanford Avenue.

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

Route E - (Live Oak): Beginning at 301 Pacific Avenue; thence along Pacific Avenue, Water Street, Soquel Avenue, Santa Cruz-Watsonville Highway; Lower Soquel Road, sometimes called Capitola Road, Seventh Avenue,

Brommer Street, Seventeenth Avenue and Rodriguez Avenue to the intersection of Rodriguez Avenue and said Lower Soquel Road.

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

Dated at San Francisco, California, this 15th day of January, 1946.

Harold Ordway

Justice F. C. ...

Frank ...

Sam ...

Harold ...

COMMISSIONERS