

## History 14 – Cresson San Taxi Service

The following is an application to run a taxi service between the Cresson passenger train station and the Cresson Sanatorium. Its quite lengthy but does discuss a bit of local Cresson history. Many patients arrived in Cresson by train and needed transportation to the san.

---

Application Of C. B. Henry, Et Al.

Application Docket No. 1998—1918.

Report and Order of the Commission. McClure, Commissioner: This is an application by H. S. Cooney, C. B. Henry, E. P. Christie, J. B. Drury and Fred J. Kammerer, doing business as the Cresson Taxi Service, for a certificate of public convenience evidencing approval of their right to operate a line of autos or autobuses (a) between the Cresson passenger station, Cresson, Cambria County, and the Cresson Sanatorium, all in Cambria County, Pennsylvania; and (b) between points within the Borough of Cresson and between points within and points in contiguous or nearby territory. L. B. Landis and Joseph Martin, trading as the Landis Taxi Service and holding a certificate of public convenience for the conduct of their taxi or autobus business to No. 1704—1917, between the same termini and in the same territory filed a protest. The applicants in their petition aver that the services proposed to be rendered by them are necessary and proper for the accommodation and convenience of the public for the reason, among others that the service rendered by Landis and Martin is inadequate and unsatisfactory; that they do not have a regular schedule and on account of the volume of business and lack of facilities they are unable to handle it. These averments are denied by the protestants and thus the main issue is raised. Landis and Martin contend that the Cresson Taxi Service is a partnership in name only, dissolvable at will, and each of the so-called partners is in active competition with his copartners; that it is composed of the same men, with one or two exceptions, who applied for approval of incorporation of the Cresson Taxicab Company and for a certificate of public convenience evidencing approval to operate autos or autobuses in the same territory as here proposed, which application No. 1796—1918 was denied, and the applicants, ignoring the action of the Commission continued to operate as before; further, that the applicants are engaged in other business and the operation of autos is but a side line for them. A certificate was denied the Cresson Taxicab Company, but the former order was not a bar to another application. True, they should have ceased operating upon the refusal of a certificate, but the Commission will not penalize them by again refusing a certificate if the public convenience requires that it should be granted. With the internal operations of the partnership, we are not concerned. Only as they may affect the services it may render to the public are they of moment to us. According to the articles, "It is understood and agreed by and

between the parties hereto that each partner shall share in the profits or pay his share of the losses in proportion to the number of cars he contributes to the business." The actual workings of the partnership are not in conformity with the agreement. Profits are not divided in proportion to the number of cars contributed by the members, but each partner deducts from the gross receipts of his own cars his costs of operation and retains the rest for his own use, no other member having any interest in it. So that each is in active competition with the others in securing business. But as no patrons, other than those going to and from the sanatorium, have complained of the importunities of the applicants, for reasons that will hereinafter appear, these objections, made by their competitors, should not stand in the way of their securing a certificate. Whatever they may be among themselves, as to the third persons, the applicants are partners and each is liable for the acts and defaults of all the others, so that the public is protected by the assets and personal responsibility of all the partners. This is as far as the Commission is interested.

The Borough of Cresson is on the main line of the Pennsylvania Railroad and is a terminus of the Cambria & Clearfield Division. Thirty-five passenger trains stop there daily. The borough has a population of two thousand three hundred, and territory immediately adjacent thereto, three thousand, all of whom use the Cresson passenger station in traveling by train. There are a number of small towns within a radius of ten miles to which passengers arriving at Cresson by train must find other means of conveyance. Pennsylvania State Sanatorium for Tuberculosis is located two and six-tenths miles from the railroad station. Six hundred ninety persons are now at that institution. Inmates, attendants, friends and visitors are constantly traveling between the sanatorium and the railroad station. All of these factors combined make an unusual demand for auto service in and about Cresson. The petitioners own five Ford cars, one Buick and one Oakland and in addition, H. S. Cooney owns real estate worth \$3,750.00 over and above encumbrances. They have a small waiting room nearby the Cresson passenger station with a telephone installed therein and all together they may be considered to be financially responsible and able to conduct a general taxi business. Upon thorough consideration of the whole record as to the controverted vital questions, the Commission has concluded as follows: 1. The Landis Taxi Service, the protestants, are amply equipped to take care of the business between the railroad station and the sanatorium. They operate on a schedule which is well timed for the trains, convenient and adapted for the purpose, and is regularly maintained in all kinds of weather. When the roads are drifted with snow and impassable for autos, they are opened and horses and sleighs are put into service. Landis and Martin are at all times careful and considerate of their passengers and the rates of fare are reasonable. 2. The services of the applicants are not needed for the convenience of the public between the station and the sanatorium. Their importuning passengers in their efforts to get business and their violations of the rules of the institution have been more of an annoyance than a public convenience. This is evidenced by the testimony of numerous witnesses connected with the sanatorium. 3. There are times when the facilities of both the applicants and the protestants are taxed to their utmost to take care of the general hack

business to and from the railroad station, from points about the borough and vicinity and to provide accommodations for those who wish to go to towns in the neighborhood.<sup>4</sup> While some of the applicants are engaged in other lines of business, they have also been engaged in operating taxicabs in and about Cresson for a number of years and are highly commended by the people of Cresson as well qualified to conduct that business, and have either by themselves or by others working for them, furnished satisfactory service. The application for a certificate of public convenience evidencing the approval of the Commission of the right to operate a line of autos or autobusses (a) between the Cresson passenger station and the Pennsylvania State Sanatorium for Tuberculosis is accordingly refused, and a certificate is granted the Cresson taxi Service to operate a line of autobusses (b) between points within the Borough of Cresson and between points within and points in contiguous and nearby territory, excepting between the Cresson passenger station and the Pennsylvania State Sanatorium. *Chairman Ainey and Commissioner Rilling dissent.* Order. This matter being before the Commission upon petition and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having on the date hereof made and filed of record a report containing its findings of fact and conclusions thereon, which said report is hereby approved and made a part hereof: *Now, to-wit, October 22, 1918, it is ordered:* That the prayer of the petition is so far as same relates to and covers approval of the right to operate autos or autobusses between the Cresson passenger station, Cresson, Cambria County, and the Pennsylvania State Sanatorium, Cambria County, be and the same is hereby refused; *it is further ordered:* That a certificate of public convenience issue evidencing the Commission's approval of the right of H. S. Cooney, C. B. Henry, E. P. Christie, J. B. Drury and Fred J. Kammerer, doing business as the Cresson Taxi Service, to operate the following automobiles: four Ford cars, maker's numbers respectively, 7132770, 220806. 494843, 1942520; one Buick car, maker's number 252544: each of said cars having a seating capacity for five (5) persons, on call or demand service between points within the Borough of Cresson, Cambria County, and between points within and points contiguous or nearby territory except between the Cresson passenger station and the Pennsylvan1a State Sanatorium; subject to the condition that the petitioners shall comply with all the provisions of the Public Service Company Law as now existing, or as may hereafter be amended, and the special rules hereto attached and made a part hereof, governing the operation of autobus lines at present prescribed by the Commission, or as may hereafter be adopted by it. By the Commission, Wm, D. B. A1ney, *Chairman.*