

No. 316.

AN ACT

To amend an act, approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred and seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act, approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act, approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals'; and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by further defining public service companies subject to the jurisdiction of the commission so as to include certain persons and corporations not furnishing service within the State, but whose rates, charges, facilities, or service affect the rates, charges, facilities, or service of certain persons or corporations furnishing service within this State; and by authorizing the commission to hold joint investigations and hearings, and to issue joint

or concurrent orders in conjunction or concurrence with any official board or commission of any State or of the United States under the authority of agreements or compacts between States or under the concurrent powers of the States to regulate inter-state commerce or an agency of the Federal Government or otherwise.

Public service companies.

Paragraph 2 of section 1 of article I of act of July 26, 1913 (P. L. 1374), amended.

Section 1. Be it enacted, &c., That the second paragraph of section one of article one of an act, approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred and seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act, approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending sec-

tion nine thereof; repealing the act, approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals'; and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," is hereby amended to read as follows:

The term "public service company," when used in this act, includes all railroad corporations, canal corporations, street railway corporations, stage line corporations, express corporations, baggage transfer corporations, pipe line corporations, ferry corporations, common carriers, Pullman car corporations, dining car corporations, tunnel corporations, turnpike corporations, bridge corporations, wharf corporations, incline plane corporations, grain elevator corporations, telegraph corporations, telephone corporations, natural gas corporations, artificial gas corporations, electric corporations, water corporations, water-power corporations, heat corporations, refrigerating corporations, sewage corporations, doing business within this State, and also all persons engaged for profit in the same kind of business within this Commonwealth: [Provided, however, Such persons and corporations shall not be subject to the provisions of this act, with respect to any business transacted or any property owned by them outside of the Commonwealth of Pennsylvania; nor shall the provisions of this act be so construed as to extend to any matter or thing which, under the Federal Constitution, the Congress of the United States has the exclusive power to regulate, or which the Congress has, under said Constitution, in the exercise of its concurrent power, in fact regulated, to the exclusion of the concurrent power of the several States:] *Provided, however, Persons and corporations of any of the above*

Public service company defined.

Proviso.

Classes whose rates, etc., affect rates, charges, facilities or service of company doing business within State.

Not to extend to anything excluded by Constitution of United States or by act of Congress.

Proviso.

Not to apply to production of heat or power for use of producer.

Article five of said act amended.

Power to make joint investigations, hold joint hearings or issue joint orders.

classes which do not furnish service within this State but whose rates, charges, facilities, or service affect the rates, charges, facilities, or service of a public service company furnishing service within this State, shall be considered as doing business within this State for the purpose of this act: And provided further, That the provisions of this act shall not be so construed as to extend to any matter or thing excluded under the Federal Constitution or act of Congress of the United States: And provided further, That none of the provisions of this act shall apply to the generation, transmission, or distribution of electricity; to the manufacture or distribution of gas; to the furnishing or distribution of water; or to the production, delivery, or furnishing of steam, or any other substance for heat or power, by a producer, who is not otherwise a public service company, for the sole use of such producer, or for the use of tenants of such producer, and not for sale to others.

Section 2. That article five of said act is hereby amended by adding thereto the following section:

Section 30. The commission shall have full power and authority to make joint investigations, hold joint hearings, and issue joint or concurrent orders in conjunction or concurrence with any official board or commission of any State or of the United States, whether in the holding of such investigations or hearings or in the making of such orders the commission shall function under agreements or compacts between States or under the concurrent power of States to regulate interstate commerce or as an agency of the Federal government or otherwise.

APPROVED—The 12th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 317.

AN ACT

Authorizing the Governor of the Commonwealth of Pennsylvania, through proclamation, to close any county or counties or any section of any county of Pennsylvania to hunting or fishing, or to close any stream or parts of any stream to fishing, or to forbid the use of smoking material or other use of fire in or near woodlands, when such action is necessary to conserve either the health or welfare of our people or our natural resources; and repealing existing laws.

Hunting and fishing and use of fire in woods.

Section 1. Be it enacted, &c., That from and after the passage of this act when the Governor of the Commonwealth, upon recommendation of the department or departments having jurisdiction over the interest or interests to be protected, shall consider such action