

the manner in which certain persons, municipalities, partnerships, associations, or corporations may intervene in appeals to the Superior Court from findings, determinations, or orders of the Public Service Commission of the Commonwealth of Pennsylvania.”

All other acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 28th day of May, A. D. 1937.

GEORGE H. EARLE

No. 287

AN ACT

To promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotive trains, and other self propelled engines or machines with competent employes; to provide the least number of men that may be employed on locomotive trains, and other self propelled engines or machines; to provide the qualifications of certain employes; and to provide a penalty for the violation thereof, and the enforcement thereof by the Public Utility Commission.

Railroads.
Definitions.

Section 1. Be it enacted, &c., That, when used in this act and for the purposes of this act—(a) the word “carrier” means a common carrier by railroads, or partly by railroad and partly by water, and any receiver or any other individual or body, judicial or otherwise, when in possession of the business of carriers covered by this act, excluding street, suburban and interurban electric railroads, unless operated as a part of a general railroad system of transportation.

(b) The word “locomotive” means any self propelled unit operated by any form of energy or power, whether produced thereon or furnished from any outside source, and adopted for use in moving cars upon rails, or for the transportation of passengers or freight or property, except locomotive cranes, pile drivers, brown hoists, and other self propelled engines or machines not used for the transportation of passengers or freight or property for hire.

(c) The term “light engine” means any locomotive operated without cars and not transporting passengers, freight or property.

(d) The term “passenger train” means any self propelled unit while transporting passengers, or any locomotive with one or more cars constructed for the purpose of transporting passengers, baggage, mail, express or combination of either or any.

(e) The term “freight train” means any train composed of one or more locomotives with one or more cars or other vehicles constructed for the purpose of trans-

porting freight or other property, not specifically referred to in the above definition of a passenger train.

(f) The word "engineer" means a person who operates a locomotive and performs related work.

(g) The word "fireman" means a person who fires a locomotive and assists an engineer in the performance of his duties as such or performs either of said duties.

(h) The word "conductor" means a person having charge of the operation of a train en route at stations and between stations and who performs related work.

(i) The word "brakeman" means a person who assists a conductor in the operation and protection of a train and who performs related work.

(j) The word "baggage man" means a person whose duties include receiving, caring for and handling baggage, mail and express on trains and who performs related work.

(k) The term "yard conductor" or "foreman" means a person whose duties are to supervise and assist in the work of switching and yard work train service, including supervision of the breaking up of trains, and to perform related work.

(l) The term "yard brakeman" or "helper" means a person whose duties are to couple, uncouple and ride cars in connection with the breaking up and making up of trains, to handle switches and to perform related work in connection with yard switching service.

(m) The term "main track" means any continuous track over which through trains operate through and between stations.

(n) The term "competent employe" means:

(1) One who is able to read and understand the time tables of the carrier by whom he is employed and read ordinary hand writing in the English language, and who is able to speak, hear and understand the English language and to see, distinguish and understand the signals required by the book of rules of the carrier governing the operation of the locomotive and trains of such carrier. When defective sight can be remedied by the use of glasses or other means, such defective sight shall not thereby render an employe incompetent under this act.

(2) As applied to an engineer, one who, in addition to being possessed of the qualifications prescribed in paragraph (1) hereof, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of an engineer.

(3) As applied to a conductor, one who, in addition to being possessed of the qualifications prescribed in paragraph (1) hereof, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing conductors.

(4) As applied to a fireman, a brakeman or a yard brakeman or helper, one who, in addition to being pos-

essed of the qualifications prescribed in paragraph (1) hereof, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing fireman, or brakeman, or yardman, or helpers.

(5) As applied to a yard conductor or foreman, one who, in addition to being possessed of the qualifications prescribed in paragraph (1) hereof, shall have passed a regular examination prescribed by the carrier concerning rules and regulations governing yard conductors or fireman.

(6) As applied to a baggageman, one who, in addition to being possessed of the qualifications prescribed in paragraph (1) hereof, has, before being so employed as a baggageman, passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of a baggageman.

Passenger trains.

Section 2. It shall be unlawful for any carrier to operate or permit to be operated any passenger train in this Commonwealth consisting of less than five cars, unless said train shall be manned by a full crew of competent employes, which crew shall consist* of not less than one engineer, one fireman, one conductor, and one brakeman. When any passenger train consists of five cars or more, any one or more of which carries passengers, or consisting of ten or more cars, none of which is carrying passengers, such passenger train shall be manned by one additional brakeman. When baggage is received, cared for, handled and transported on any such train, at least one baggageman shall be added to the members of the crew above described in this section, except a single motor unit carrying passengers shall be manned by not less than three men.

Section 3. It shall be unlawful for any carrier to operate or permit to be operated in the State of Pennsylvania any freight train consisting of less than fifty cars without a full crew of competent employes, which crew shall consist of not less than one engineer, one fireman, one conductor, and two brakemen.

Freight trains of 50 cars or more.

Section 4. It shall be unlawful for any carrier to operate or permit to be operated any freight train consisting of fifty cars or more without a full crew of competent employes, which crew shall consist of not less than one engineer, one fireman, one conductor, and three brakemen.

Local freight trains.

Section 5. It shall be unlawful for any carrier to operate or permit to be operated any local freight train doing any switching or unloading of any freight of any nature whatever without a full crew of competent employes, which crew shall consist of not less than one engineer, one fireman, one conductor, and three brakemen.

Section 6. All other trains not specifically referred to hereinbefore shall be manned by a crew of not less than

* "consists" in the original.

one engineer, one fireman, one conductor, and two brakemen.

Section 7. It shall be unlawful for any carrier to use, operate or permit any locomotive to be used or operated in any railroad yard or on any railroad track, to handle or switch cars, or to transfer cars from one railroad to another, or from one railroad yard to another railroad yard, unless each and every such locomotive while handling or switching cars shall be manned by a full crew of competent employes, which crew shall consist of not less than one engineer, one fireman, one yard conductor or foreman, and two yard brakemen or helpers. When any such locomotive is so used or operated over or upon a highway or street within the corporate limits of a municipality, such locomotive shall be manned by one additional yard brakeman or helper. No such employe shall be detailed to more than one locomotive at the same time or be assigned to any other service unless his place be filled by another competent employe or the locomotive laid up while short-handed, except that in case of the sudden disability of a member of such crew through sickness, accident, or death, the carrier shall have three hours to replace such member, during which time such locomotive may be operated short-handed.

Locomotives in railroad yard.

Section 8. It shall be unlawful for any carrier to operate or permit to be operated on its main track any single locomotive unless said locomotive is manned by a full crew of competent employes, which crew shall consist of not less than one engineer, one fireman, one conductor or brakeman: Provided, however, That where two or more locomotives are operated under their own power on any main track and coupled together, there shall be provided a crew of one engineer and one fireman for each locomotive, and in addition thereto, one conductor or brakeman.

Single locomotive on main tracks.

Proviso.

Section 9. It shall be unlawful for any carrier to operate as a locomotive or permit to be operated as a locomotive on its main track any self propelled crane, pile driver, brown hoist, or other self propelled engine or machine not used for the transportation of passengers or freight or property for hire which has sufficient power to draw or propel itself and one or more standard railroad cars, unless such engine or machine shall be manned by a full crew of competent employes consisting of not less than one engineer, one conductor, and one brakeman.

Cranes, brown hoist, etc.

Section 10. In the case of the disability of a member of a full crew between terminals, the carrier shall have the right to operate the locomotive or train short-handed until such locomotive or train arrives at the next terminal or other intermediate place on the line where men of the same class as the person disabled are available when such carrier shall fill the vacancy on such

Disability of member of crew between terminals.

crew. This act shall not apply to relief or wrecking trains where sufficient men are not available.

Violations.

Section 11. Any railroad company, its officers or agents, officers of the court, receiver, or any person or persons operating a railroad violating any of the provisions of this act, shall be guilty of a misdemeanor, and liable to a penalty of one hundred dollars (\$100) for each and every such violation, to be recovered with costs as debts are now by law recoverable by a suit in the name of the Commonwealth, for the use of the county in which such violation takes place: Provided, however, That nothing in this act shall apply or relate to trains owned or operated by manufacturers made up of hot metal ladles, ingots, slag, or table trucks.

Public Utility Commission.

Section 12. It shall be the duty of the Public Utility Commission of the Commonwealth of Pennsylvania or any other agency empowered to enforce the law to execute and enforce the provisions of this act, and for such purposes shall have all the powers granted to it under the laws of this Commonwealth.

Act is severable.

Section 13. The provisions of this act are severable, and if any of the provisions hereof are held to be unconstitutional, the decision shall not be construed to impair any other provision of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein.

Inconsistent acts repealed.

Section 14. All acts or parts of acts inconsistent herewith are hereby repealed.

When effective.

Section 15. This act shall become effective immediately upon its final enactment.

APPROVED—The 1st day of June, A. D. 1937.

GEORGE H. EARLE

No. 288

AN ACT

For the protection of employes by prohibiting those in authority over such employes to threaten or intimidate employes failing or refusing to sign petitions.

Unlawful to threaten or intimidate any employe for refusal or failure to sign any petition.

Section 1. Be it enacted, &c., That it shall be unlawful for any officer, superintendent, foreman, boss or agent of any employer or any other person in authority over any employe to intimidate or threaten any such employe with the loss of employment for failing or refusing to affix his signature to any petition which such employe has been solicited or requested to sign. Any officer, superintendent, foreman, boss, agent or person who shall violate any provision of this act, shall be guilty of a mis-

Penalty.