

or pile, or part thereof, in a lawful manner, then such operator, if not otherwise vested with the right of eminent domain, may make application to the secretary for a finding and an order that the use by the applicant of a specified interest in a specifically described piece of land is necessary in order to enable said operator to operate said area or pile, or part thereof, in a lawful manner. In either such event, the secretary may, after hearing, with reasonable notice to the proposed condemnee or condemnees, and full opportunity to be heard and present evidence, make the appropriate finding and issue the appropriate order authorizing the acquisition of the specified interest in a specifically described area of land by the operator by the power of eminent domain. Upon the making of said finding and the issuance of said order, then, for the purpose of this act, such operator receiving the order shall be vested with the right of eminent domain which shall be exercised only upon said authorization by the secretary, and in such event the operator shall proceed in the manner and form set forth in the act of June 22, 1964 (P. L. 84), known as the "Eminent Domain Code": Provided, That no property used as a place of public worship or for burial purposes shall be taken under the right of eminent domain: Provided further, That where any existing public street or road is vacated by any municipality in order to facilitate any undertaking in connection with land acquired under the right of eminent domain as provided for above, the operator acquiring such land shall reimburse all public utilities for the costs of relocating and reconstructing their facilities necessitated by the closing of any such street or road.

Section 12. Severability Clause.—The provisions of this act are severable and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of the act.

APPROVED—The 24th day of September, A. D. 1968.

RAYMOND P. SHAFER.

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No. 319

AN ACT

HB 2687

Designating the Tacony Freeway in the City of Philadelphia as the General Casimir Pulaski Highway.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The Tacony Freeway in the City of Philadelphia shall hereafter be known and shall be designated by signs posted by the Department of Highways as the General Casimir Pulaski Highway.

APPROVED—The 18th day of November, A. D. 1968.

RAYMOND P. SHAFER.

No. 320

AN ACT

SB 1500

Amending the act of May 28, 1937 (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations, subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," further defining the term "public utility."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: