

Pocopson Township to Route 15175; thence from a point on Route 15175 in a northerly and northeasterly direction through Pocopson Township to a point on Route [15083, about 1.0 mile northwest of Lenape, in Chester County, a distance of about 2.4 miles] 15084, about 0.6 of a mile south of Wawaset, in Chester County, a distance of about 1.7 miles.

APPROVED—The 21st day of June, A. D. 1937.

GEORGE H. EARLE

No. 383

AN ACT

To further amend section one of the act, approved the seventh day of April, one thousand nine hundred thirty-three (Pamphlet Laws, twenty-seven), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," by changing certain provisions as to transfer of structures and facilities of public service companies; providing for ascertainment and payment of cost, procedure before Pennsylvania Public Utilities Commission, and appeal.

Section 1, act of April 7, 1933 (P. L. 27), as amended by act of June 21, 1935 (P. L. 387), further amended.

Section 1. Be it enacted, &c., That section one of the act, approved the seventh day of April, one thousand nine hundred thirty-three (Pamphlet Laws, twenty-seven), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," as last amended by the act, approved the twenty-first day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred eighty-seven), is hereby further amended to read as follows:

Public service companies.

Section 1. Be it enacted, &c., That whenever in the construction, widening or relocation of any State or county road, highway, bridge or tunnel, or of any part thereof, it becomes necessary, in the opinion of the Secretary of Highways or of the county commissioners, to occupy the whole or any part of the right of way of any public service company, the State Department of Highways or the county commissioners, as the case may be, may enter upon and occupy the whole or any part of such right of way for the purpose of such road, highway, bridge or tunnel, or part thereof: Provided, That before such right of way, or any part thereof, is so occupied in the case of State highways, either the Department of Highways or the county, accordingly as the one

Proviso.

or the other may be responsible for property damages under the provisions of present or future laws governing the payment of damages for property condemned for highway purposes, or in the case of county highways, the county commissioners shall, at the expense of the State or county, provide a substitute right of way on another and favorable location. [and] *Such public service company shall thereupon provide for the transfer to or reconstruction upon, in, under or above said substitute right of way of any structures and facilities of said public service company located upon, in, under or above said original right of way at the time the same is so occupied. The Department of Highways acting on behalf of the Commonwealth or the county, as the case may be, is hereby authorized to enter into agreements with such public service company to contribute toward the expense of such transfer or reconstruction, and in the event that they are unable to agree on the amount to be paid, the matter shall be referred to the Pennsylvania Public Utility Commission, which shall, after hearing thereon, make a finding of the amount to be paid to such public service company by the State or county. In case of the failure of such public service company, within a reasonable time after notice so to do, to remove its facilities to such substitute right of way, the said Pennsylvania Public Utility Commission shall have jurisdiction, on petition of either the Department of Highways or the county, to order such transfer or reconstruction. Any party to such proceedings before the Pennsylvania Public Utility Commission shall have the right to appeal to the Superior Court of Pennsylvania from the ruling of the commission. The Department of Highways or the county commissioners of any county are hereby authorized to acquire, by purchase or by the exercise of the right of eminent domain, in the same manner that property is now taken and condemned for highway and road purposes, any necessary land or right of way for the relocation of any such public service right of way and facilities: Provided, however, That the right of way of a railroad company shall not be acquired or occupied under this act without the consent of the company owning or operating or in possession of said railroad.*

Substitute right
of way.

Acquisition
of land.

Proviso.

Section 2. This act shall become effective immediately upon its final enactment.

When effective.

APPROVED—The 21st day of June, A. D. 1937.

GEORGE H. EARLE