

No. 44

AN ACT

SB 347

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," requiring the Public Utility Commission of Pennsylvania to provide for arrangements for the protection of railroad employes' interests in certain cases and authorizing the commission to approve certain agreements entered into between the employes and the railroad carrier.

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

Section 1. Section 202, act of May 28, 1937 (P.L.1053), known as the "Public Utility Law," is amended by adding two new subsections to read:

Section 202. Enumeration of Acts Requiring Certificate.—Upon the application of any public utility and the approval of such application by the commission, evidenced by its certificate of public convenience first had and obtained, and upon compliance with existing laws, and not otherwise, it shall be lawful:

* * *

¹(c) *As a condition of its approval of any transaction covered by this section and involving those railroad carriers wholly located within this Commonwealth subject to the provisions of this act, the commission shall require a fair and equitable arrangement to protect the interests of the ²railroad employes affected and the commission shall include in its order of approval the terms and conditions it deems fair and equitable for the protection of the employes.*

³(d) *The terms and conditions which the commission prescribes shall provide that, during the period of four years from the effective date of the order, the employes of the railroad carrier affected by the order shall not be in a worse position with respect to their employment except that any protection afforded an employe shall not be required to continue for a period longer than that during which the employe was in the employ of the railroad carrier prior to the effective date of the order. Notwithstanding any other provision of this section, the commission may accept as fair and equitable an agreement pertaining to the protection of the interests of the employes entered into by the railroad carrier and the duly authorized representatives of the employes.*

* * *

Section 2. All acts and parts of acts inconsistent herewith are repealed.

APPROVED—The 14th day of July, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 44.

¹“(d.1)” in original.

²“railraod” in original.

³“(d.2)” in original.



Secretary of the Commonwealth.