

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States hereby extends its official recognition to the Pacific Mercado (International Exposition) and authorizes the executive departments, independent establishments, and agencies of the Government to participate therein. Any expense incurred by such participation is to be met from any funds which may legally be used for that purpose and which may be available to such executive departments, independent establishments, or agencies.

SEC. 2. That the President of the United States be, and he is hereby, authorized and respectfully requested by proclamation, or in such manner as he may deem proper, to invite foreign countries to such proposed Pacific Mercado (International Exposition) and to such proposed world's fair to be held in connection therewith, with a request that they participate therein.

Approved, August 26, 1937.

Official recognition extended.

Government agencies authorized to participate.

Payment of incurred expenses.

President requested to invite foreign countries to participate.

[CHAPTER 818]

AN ACT

To require certain common carriers by railroad to install and maintain certain appliances, methods, and systems intended to promote the safety of employees and travelers on railroads, and for other purposes.

August 26, 1937

[S. 29]

[Public, No. 378]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 26 of the Interstate Commerce Act, as amended (U. S. C., 1934 ed., title 49, sec. 26), is hereby amended to read as follows:

Interstate Commerce Act, amendments.

41 Stat. 498.

49 U. S. C. § 26.

"Carrier" construed.

"SEC. 26. (a) The term 'carrier' as used in this section includes any carrier by railroad subject to this part (including any terminal or station company), and any receiver or any other individual or body, judicial or otherwise, when in the possession of the business of a carrier subject to this section: *Provided, however,* That the term 'carrier' shall not include any street, interurban, or suburban electric railway unless such railway is operated as a part of a general steam-railroad system of transportation, but shall not exclude any part of a general steam-railroad system of transportation now or hereafter operated by any other motive power.

Proviso. Street, interurban, or suburban electric railways.

"(b) That the Commission may, after investigation, if found necessary in the public interest, order any carrier within a time specified in the order, to install the block signal system, interlocking, automatic train stop, train control, and/or cab-signal devices, and/or other similar appliances, methods, and systems intended to promote the safety of railroad operation, which comply with specifications and requirements prescribed by the Commission, upon the whole or any part of its railroad such order to be issued and published a reasonable time (as determined by the Commission) in advance of the date for its fulfillment: *Provided,* That block signal systems, interlocking, automatic train stop, train control, and cab-signal devices in use on the date of the enactment of this amendatory provision or such systems or devices hereinafter installed may not be discontinued or materially modified by carriers without the approval of the Commission: *Provided further,* That a carrier shall not be held to be negligent because of its failure to install such systems, devices, appliances, or methods upon a portion of its railroad not included in the order, and any action arising because of an accident occurring upon such portion of its railroad shall be determined without consideration of the use of such systems, devices, appliances, or methods upon another portion of its railroad.

Safety devices. Installation of certain, upon order of Commission.

Provisos. Existing systems, etc.

Limit of carrier's liability.

Safety rules, standards, etc., to be filed with Commission.

Approval; binding effect upon carrier.

Provisos.
Preparation of rules, etc., by Commission.

Changes, by carrier.

By Commission.

Inspections, etc.

Inspectors.

Persons disqualified.

Defective appliances, etc.

Reports of failures of systems.

Report of accidents.

"(c) Each carrier by railroad shall file with the Commission its rules, standards, and instructions for the installation, inspection, maintenance, and repair of the systems, devices, and appliances covered by this section within six months after the enactment of this amendatory provision, and, after approval by the Commission, such rules, standards, and instructions, with such modifications as the Commission may require, shall become obligatory upon the carrier: *Provided, however,* That if any such carrier shall fail to file its rules, standards, and instructions the Commission shall prepare rules, standards, and instructions for the installation, inspection, maintenance, and repair of such systems, devices, and appliances to be observed by such carrier, which rules, standards, and instructions, a copy thereof having been served on the president, chief operating officer, trustee, or receiver, of such carrier, shall be obligatory: *Provided further,* That such carrier may from time to time change the rules, standards, and instructions herein provided for, but such change shall not take effect and the new rules, standards, and instructions be enforced until they shall have been filed with and approved by the Commission: *And provided further,* That the Commission may on its own motion, upon good cause shown, revise, amend, or modify the rules, standards, and instructions prescribed by it under this subsection, and as revised, amended, or modified they shall be obligatory upon the carrier after a copy thereof shall have been served as above provided.

"(d) The Commission is authorized to inspect and test any systems, devices, and appliances referred to in this section used by any such carrier and to determine whether such systems, devices, and appliances are in proper condition to operate and provide adequate safety. For these purposes the Commission is authorized to employ persons familiar with the subject. Such persons shall be in the classified service and shall be appointed after competitive examination according to the law and the rules of the Civil Service Commission governing the classified service. No person interested, either directly or indirectly, in any patented article required to be used on or in connection with any of such systems, devices, and appliances or who has any financial interest in any carrier or in any concern dealing in railway supplies shall be used for such purpose.

"(e) It shall be unlawful for any carrier to use or permit to be used on its line any system, device, or appliance covered by this section unless such apparatus, with its controlling and operating appurtenances, is in proper condition and safe to operate in the service to which it is put, so that the same may be used without unnecessary peril to life and limb, and unless such apparatus, with its controlling and operating appurtenances, has been inspected from time to time in accordance with the provisions of this section and is able to meet the requirements of such test or tests as may be prescribed in the rules and regulations hereinbefore provided.

"(f) Each carrier shall report to the Commission in such manner and to such extent as may be required by the Commission, failures of such systems, devices, or appliances to indicate or function as intended; and in case of accident resulting from failure of any such system, device, or appliance to indicate or function as intended, and resulting in injury to person or property which is reportable under the rules of the Commission, a statement forthwith must be made in writing of the fact of such accident by the carrier owning or maintaining such system, device, or appliance to the Commission; whereupon the facts concerning such accident shall be subject to investigation as provided in sections 3, 4, and 5 of the Act entitled

'An Act requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said Commission', approved May 6, 1910 (U. S. C., 1934 ed., title 45, secs. 40, 41, and 42).

36 Stat. 351.
45 U. S. C. §§ 40,
41, 42.

"(g) It shall be the duty of the Commission to see that the requirements of this section and the orders, rules, regulations, standards, and instructions made, prescribed, or approved hereunder are observed by carriers, and all powers heretofore granted to the Commission are hereby extended to it in the execution of this section.

Enforcement by
Commission.

"(h) Any carrier which violates any provision of this section, or which fails to comply with any of the orders, rules, regulations, standards, or instructions made, prescribed, or approved hereunder shall be liable to a penalty of \$100 for each such violation and \$100 for each and every day such violation, refusal, or neglect continues, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed. It shall be the duty of such attorneys to bring such suits upon duly verified information being lodged with them showing such violations having occurred; and it shall be the duty of the Commission to lodge with the proper United States attorneys information of any violations of this section coming to its knowledge."

Penalty for viola-
tion.

Approved, August 26, 1937.

[CHAPTER 819]

AN ACT

To provide suitable accommodations for the district court of the United States at Glasgow, Montana.

August 26, 1937
[S. 537]

[Public, No. 379]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to provide suitable rooms and accommodations for holding terms of the district court of the United States in the Federal building proposed to be constructed in Glasgow, Montana. The limit of cost for such building is hereby increased by such amount not in excess of \$100,000 as may be necessary for that purpose; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary not in excess of \$100,000 in addition to the sums heretofore appropriated and allocated, for the construction of such building.

Glasgow, Mont.
Accommodations
for district court in
proposed Federal
building.

Limit of cost of con-
struction increased.

Sums authorized.

SEC. 2. So much of section 92 of the judicial code, as amended, as reads "Provided, That suitable rooms and accommodations for holding court at Glasgow, Lewiston, and Havre are furnished free of all expense to the United States" is amended to read as follows: "Provided, That suitable rooms and accommodations for holding court at Lewiston and Havre are furnished free of all expense to the United States".

Section amended.
44 Stat. 825.
28 U. S. C. § 172.
Ante, p. 474.

Accommodations at
Lewiston and Havre.

Approved, August 26, 1937.