

ESTABLISHMENT, SITE, PLANT, WORKPLACE, PLACE OF EMPLOYMENT, ENVIRONMENT, OR OTHER AREA TO INSPECT AND INVESTIGATE THESE PLACES AND ALL PERTINENT CONDITIONS, STRUCTURES, MACHINES, APPARATUS, DEVICES, EQUIPMENT AND MATERIAL WITHIN, AND TO QUESTION PRIVATELY ANY RAILROAD AGENT OR EMPLOYEE IF THE RAILROAD AND EMPLOYEE REPRESENTATIVE ARE ADVISED AND PROVIDED AN OPPORTUNITY TO ATTEND THE QUESTIONING SESSION.

(B) THE PROVISIONS OF ARTICLE 89, SECTION 2A RELATING TO ADMINISTRATIVE SEARCH WARRANTS IS APPLICABLE TO THIS SUBTITLE.

(C) IT SHALL BE UNLAWFUL FOR ANY PERSON TO GIVE ADVANCE NOTICE OF ANY INSPECTION TO BE CONDUCTED UNDER THIS SUBTITLE WITHOUT THE WRITTEN APPROVAL OF THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE.

(D) ANY EMPLOYEE OF A RAILROAD COMPANY OR REPRESENTATIVE OF EMPLOYEES WHO IN GOOD FAITH BELIEVES THAT A VIOLATION OF A SAFETY AND HEALTH STANDARD PROMULGATED UNDER THIS SUBTITLE EXISTS THAT THREATENS SEVERE PHYSICAL HARM TO EMPLOYEES OR THAT IMMINENT DANGER TO THESE EMPLOYEES EXISTS, MAY REQUEST AN INSPECTION BY GIVING NOTICE TO THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE OF THE VIOLATION OR DANGER. THE NOTICE SHALL (1) BE IN WRITING, (2) SET FORTH WITH REASONABLE PARTICULARITY THE GROUNDS FOR THE NOTICE, AND (3) BE SIGNED BY THE EMPLOYEE OR REPRESENTATIVE OF EMPLOYEES. A COPY OF THE NOTICE SHALL BE PROVIDED THE RAILROAD COMPANY OR ITS AGENT NO LATER THAN AT THE TIME OF INSPECTION, EXCEPT THAT UPON THE REQUEST OF THE PERSON GIVING THE NOTICE, HIS NAME AND THE NAMES OF INDIVIDUAL EMPLOYEES REFERRED TO THEREIN MAY NOT APPEAR IN THE COPY OF ANY RECORD PUBLISHED, RELEASED, OR MADE AVAILABLE PURSUANT TO ANY PROVISION OF THIS SUBTITLE. IF, UPON RECEIPT OF THE NOTIFICATION, THE COMMISSIONER DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE VIOLATION OR DANGER EXISTS, HE SHALL MAKE AN INVESTIGATION AS SOON AS PRACTICABLE, TO DETERMINE THAT THE VIOLATION OR DANGER EXISTS. AFTER THE COMMISSIONER DETERMINES THERE ARE NO REASONABLE GROUNDS TO BELIEVE THAT A VIOLATION OR DANGER EXISTS, HE SHALL NOTIFY THE EMPLOYEE OR REPRESENTATIVE OF THE EMPLOYEES IN WRITING OF THAT DETERMINATION.

(E) IF AN EMPLOYEE OR HIS AUTHORIZED REPRESENTATIVE FILES A COMPLAINT WITH THE COMMISSIONER CHARGING THE EMPLOYER WITH A VIOLATION OF A REGULATION OF THE COMMISSIONER, OR THE COMMISSIONER UPON HIS OWN INITIATIVE ISSUES A COMPLAINT, THE PERSON COMPLAINED OF SHALL BE SERVED WITH A COPY OF THE COMPLAINT. WITHIN 20 DAYS THE PERSON COMPLAINED OF SHALL FILE A WRITTEN ANSWER WITH THE COMMISSIONER. WITHIN 10 DAYS AFTER AN ANSWER IS FILED THE COMMISSIONER SHALL SET A DATE FOR A HEARING OF THE COMPLAINT. THE COMMISSIONER MAY PERMIT ANY INTERESTED PERSON OR ORGANIZATION TO INTERVENE. A PARTY TO THE HEARING MAY APPEAR AND BE HEARD IN PERSON OR BY REPRESENTATIVE AND MAY EXAMINE AND CROSS-EXAMINE WITNESSES OR PRESENT EVIDENCE.