

(1) "EMPLOYEE" INCLUDES EACH PERSON IN THE SERVICE OF A RAILROAD WHO PERFORMS FOR THE RAILROAD ANY WORK DEFINED AS WORK OF AN EMPLOYEE IN ACCORDANCE WITH ORDERS AND DECISIONS OF THE FEDERAL DEPARTMENT OF TRANSPORTATION AND OVER WHOM THE RAILROAD MAINTAINS CONTINUING AUTHORITY TO SUPERVISE AND DIRECT THE MANNER OF THE WORK.

(2) "EMPLOYEE" DOES NOT INCLUDE ANY PERSON WHO PERFORMS WORK FOR A RAPID RAIL TRANSIT SYSTEM OR LIGHT RAIL SYSTEM OPERATING IN THE STATE.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also enacted this subsection, which is derived without substantive change from former Art. 89, § 83(4).

In paragraph (1) of this subsection, the former reference to "subordinate official" is deleted as included in the word "employee".

Also in paragraph (1) of this subsection, the words "orders and decisions of the federal Department of Transportation" are substituted for the former reference to "orders of the Interstate Commerce Commission", to reflect the provisions of Public Law 104-88, the ICC Termination Act of 1995, which abolished the Interstate Commerce Commission and transferred several of its functions to the federal Department of Transportation.

Also in paragraph (1) of this subsection, the former language qualifying "orders" of the Interstate Commerce Commission as those "now in effect" or as may be "amended or interpreted" by order of the Interstate Commerce Commission pursuant to its authority is deleted as unnecessary, since the general rules of statutory construction eliminate any need for the language.

In paragraph (2) of this subsection, the reference to a "light rail system" is added for clarity.

Defined terms: "Person" § 1-101

"State" § 1-101

(D) RAILROAD.

(1) "RAILROAD" INCLUDES EACH COMMON CARRIER BY RAIL AND ALL BRANCHES, BRIDGES, CARS, EXTENSIONS, FERRIES, PLANTS, SPURS, STATIONS, SUBWAYS, SWITCHES, TERMINAL FACILITIES, TRACKS, TUNNELS, AND ALL EQUIPMENT USED ON OR IN CONNECTION WITH THEM.

(2) "RAILROAD" DOES NOT INCLUDE A RAPID RAIL TRANSIT SYSTEM OR LIGHT RAIL SYSTEM OPERATING IN THE STATE.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also enacted this subsection, which is derived without substantive change from former Art. 89, § 83(5).

In paragraph (1) of this subsection, the phrase "however powered", which