

A RAILROAD COMPANY MAY NOT HAVE A COMMON TOWEL OR COMMON DRINKING CUP AVAILABLE FOR USE ON PROPERTY OF THE RAILROAD COMPANY.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also enacted this section, which is derived without substantive change from former Art. 89, § 102(a)(1), (b), (c), and (d).

The Public Utility Companies Article Review Committee notes, for the consideration of the General Assembly, that the provisions of this section relating to cabooses may be obsolete as a practical matter, as railroads have virtually eliminated their use.

Defined terms: "Commissioner" § 5.5-101

"Employee" § 5.5-101

"Railroad company" § 5.5-101

5.5-111. MAINTENANCE OF YARD TRACK MARGINS AND SIDETRACKS.

(A) DUTY OF RAILROAD COMPANY.

(1) THIS SECTION DOES NOT APPLY TO DESIGNATED CLEANOUT AND REPAIR TRACKS.

(2) TO PROVIDE EMPLOYEES A REASONABLY SAFE PLACE TO WORK, EACH RAILROAD COMPANY SHALL KEEP AND MAINTAIN FREE FROM DEBRIS AND VEGETATION THAT UNREASONABLY AFFECTS EMPLOYEE SAFETY THE MARGINS ALONGSIDE YARD TRACKS AND SIDETRACKS WHERE EMPLOYEES ARE REQUIRED TO WALK FREQUENTLY IN THE COURSE OF THEIR DUTIES.

(B) CLOSURE FOR DANGEROUS CONDITIONS.

IF THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER FINDS ANY CONDITION IN OR ON A YARD TRACK OR SIDETRACK OR IN A WALKWAY THAT CONSTITUTES AN IMMEDIATE DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC OR ANY RAILROAD EMPLOYEE, OR ANY CONDITION IN A SIDETRACK OR SWITCH THAT CONSTITUTES A DANGER TO THE HEALTH OR SAFETY OF A RAILROAD EMPLOYEE, THE YARD TRACK, SIDETRACK, OR SWITCH MAY BE CLOSED IMMEDIATELY UNTIL THE CONDITION IS CORRECTED.

(C) ENFORCEMENT.

(1) THIS SECTION AND § 5.5-123(C) OF THIS TITLE SHALL BE ENFORCED BY THE COMMISSIONER ON A COMPLAINT AND AFTER A HEARING.

(2) EACH DAY OF NONCOMPLIANCE WITH AN ORDER THAT THE COMMISSIONER ISSUES UNDER THIS SECTION SHALL BE REGARDED AS A SEPARATE VIOLATION.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also enacted this section, which is derived without substantive change from former Art. 89, § 101(b), (c), and the first sentence of (a) and the first clause of the second sentence of (a).