

Defined terms: "Commissioner" § 5.5-101

"Employee" § 5.5-101

"Railroad" § 5.5-101

"Railroad company" § 5.5-101

5.5-112. VARIANCES.

(A) IN GENERAL.

THE COMMISSIONER SHALL ALLOW VARIANCES IN ACCORDANCE WITH THIS SECTION.

(B) APPLICATION FOR A VARIANCE.

ANY AFFECTED RAILROAD COMPANY MAY APPLY IN WRITING TO THE COMMISSIONER FOR AN ORDER FOR A VARIANCE FROM ANY REGULATION OR HEALTH AND SAFETY STANDARD ADOPTED UNDER THIS TITLE.

(C) HEARING AND DETERMINATION.

AFTER A HEARING, THE COMMISSIONER MAY GRANT A VARIANCE FROM THE REGULATIONS AND STANDARDS ADOPTED UNDER THIS TITLE, IF:

(1) THAT ACTION IS NECESSARY TO PREVENT UNDUE OPERATIONAL OR ECONOMIC HARDSHIP; OR

(2) (I) EXISTING CONDITIONS PREVENT PRACTICAL COMPLIANCE;
AND

(II) THE COMMISSIONER DETERMINES THE REASONABLE SAFETY OF THE PUBLIC AND EMPLOYEES OF THE RAILROAD COMPANY CAN BE ASSURED.

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, §§ 84(a)(5) and 86.

In subsection (c) of this section, the word "variance" is substituted for the former word "exceptio[n]" for consistency with the language of subsections (a) and (b) of this section.

As to the addition of the words "health and safety" to modify references to "standard" in subsection (b) of this section, see Revisor's Note to § 5.5-108 of this title.

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5.5-113. INSPECTIONS AND INVESTIGATIONS.

(A) IN GENERAL.