

THE COMMISSIONER SHALL CONDUCT INSPECTIONS AND INVESTIGATIONS IN ACCORDANCE WITH THIS SECTION.

(B) AUTHORITY OF THE COMMISSIONER.

(1) THE PROVISIONS OF THIS SECTION APPLY TO EACH RAILROAD ESTABLISHMENT, SITE, PLANT, WORKPLACE, PLACE OF EMPLOYMENT, ENVIRONMENT, OR OTHER AREA.

(2) THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER MAY ENTER A RAILROAD AREA WITHOUT DELAY AT ANY REASONABLE TIME TO:

(I) INSPECT THE RAILROAD AREA;

(II) INVESTIGATE ALL PERTINENT APPARATUS, CONDITIONS, DEVICES, EQUIPMENT, MATERIALS, AND STRUCTURES AT THE RAILROAD AREA; AND

(III) QUESTION ANY AGENT OR EMPLOYEE OF THE RAILROAD, IF THE RAILROAD AND AN EMPLOYEE REPRESENTATIVE RECEIVE NOTICE OF AND AN OPPORTUNITY TO ATTEND THE QUESTIONING SESSION.

(C) ADMINISTRATIVE SEARCH WARRANT.

THE PROVISIONS OF ARTICLE 89, § 2A CONCERNING ADMINISTRATIVE SEARCH WARRANTS APPLY TO THIS TITLE.

(D) ADVANCE NOTICE.

A PERSON MAY NOT GIVE ADVANCE NOTICE OF ANY INSPECTION TO BE CONDUCTED UNDER THIS TITLE WITHOUT THE WRITTEN APPROVAL OF THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER.

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)(3) and 89(a) through (c).

In subsection (b)(2)(ii) of this section, the former reference to "machines" is deleted as included in the references to "apparatus", "devices", and "equipment".

Defined terms: "Commissioner" § 5.5-101

"Person" § 1-101

"Railroad" § 5.5-101

5.5-114. REQUEST FOR INSPECTION BY OR FOR EMPLOYEE.

(A) REQUEST AUTHORIZED.

AN EMPLOYEE OF A RAILROAD COMPANY OR REPRESENTATIVE OF EMPLOYEES MAY REQUEST INSPECTION OF A RAILROAD IF THE EMPLOYEE OR REPRESENTATIVE BELIEVES, IN GOOD FAITH, THAT: