

(3) WITHIN 10 DAYS AFTER AN ANSWER IS FILED, THE COMMISSIONER SHALL SET A DATE FOR A HEARING ON THE COMPLAINT.

(4) THE COMMISSIONER MAY ALLOW ANY INTERESTED PERSON OR ORGANIZATION TO INTERVENE.

(5) A PARTY TO THE HEARING MAY APPEAR AND BE HEARD IN PERSON OR BY A REPRESENTATIVE AND MAY EXAMINE AND CROSS-EXAMINE WITNESSES OR PRESENT EVIDENCE.

(6) ON MOTION OF A PARTY, THE COMMISSIONER MAY ALLOW A CONTINUANCE FOR NOT MORE THAN 30 DAYS.

REVISOR'S NOTE: Chapter 8, Acts of 1998, which enacted the Public Utility Companies Article, also enacted this section.

Subsections (a), (b), (d), (e), and (f) of this section, are new language derived without substantive change from former Art. 89, § 89(d) and (e).

Subsection (c) of this section is new language added to state expressly that which only was implied in former Art. 89, § 89(d), *i.e.*, the Commissioner must consider each request made in accordance with this section.

In subsection (f)(1) of this section, the reference to a "representative of the employee" is substituted for the former reference to an "authorized representative" for consistency within this section.

In subsection (f)(2) of this section, the phrase "after receipt of the complaint" is added to clarify the date by which the employer must file a written answer with the Commissioner.

Defined terms: "Commissioner" § 5.5-101

"Employee" § 5.5-101

"Person" § 1-101

"Railroad" § 5.5-101

"Railroad company" § 5.5-101

5.5-115. NOTICE PROHIBITING USE OF APPARATUS.

(A) "APPARATUS" DEFINED.

IN THIS SECTION, "APPARATUS" MEANS ANY MACHINERY, DEVICE, OR EQUIPMENT OR ANY PART OF ANY MACHINERY, DEVICE, OR EQUIPMENT.

(B) NOTICE.

THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER SHALL GIVE WRITTEN NOTICE TO A RAILROAD COMPANY OR THE RAILROAD COMPANY'S AGENT IN CHARGE OF THE OPERATION, IF, AFTER AN INSPECTION OR INVESTIGATION OF THE RAILROAD, THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER DETERMINES THAT: