

THE COMMISSIONER SHALL GIVE NOTICE AND HOLD A HEARING UNDER THIS TITLE IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) HEARING EXAMINER.

(1) WHEN THE COMMISSIONER APPOINTS AN ADMINISTRATIVE LAW JUDGE TO HOLD A HEARING UNDER THIS SECTION, THE ADMINISTRATIVE LAW JUDGE SHALL PREPARE A RECORD THAT INCLUDES TESTIMONY.

(2) A WRITTEN REPORT THAT AN ADMINISTRATIVE LAW JUDGE SUBMITS SHALL BECOME A FINAL ORDER OF THE COMMISSIONER UNLESS, WITHIN 15 WORKING DAYS AFTER SUBMISSION OF THE REPORT, THE:

(I) COMMISSIONER ORDERS A REVIEW OF THE PROCEEDING; OR

(II) RAILROAD COMPANY OR ANY AFFECTED PERSON SUBMITS TO THE COMMISSIONER A WRITTEN REQUEST FOR A REVIEW OF THE PROCEEDING.

(D) ORDER OF COMMISSIONER ON CITATION OR PENALTY.

(1) AFTER REVIEW OF A PROCEEDING UNDER SUBSECTION (B) OF THIS SECTION, WITH OR WITHOUT A HEARING, THE COMMISSIONER SHALL PASS AN ORDER THAT, BASED ON FINDINGS OF FACT, AFFIRMS, MODIFIES, OR VACATES THE CITATION OR PROPOSED PENALTY OR DIRECTS OTHER APPROPRIATE RELIEF.

(2) AN ORDER OF THE COMMISSIONER UNDER PARAGRAPH (1) OF THIS SUBSECTION IS FINAL ON THE DATE OF ISSUANCE OF THE ORDER.

(E) ORDER OF COMMISSIONER ON ABATEMENT REQUIREMENTS.

AFTER AN OPPORTUNITY FOR A HEARING UNDER THIS SECTION, THE COMMISSIONER MAY PASS AN ORDER THAT AFFIRMS OR MODIFIES A REQUIREMENT OF A CITATION FOR ABATEMENT OF A VIOLATION ON A SHOWING BY THE AFFECTED RAILROAD COMPANY THAT IT:

(1) MADE A GOOD FAITH EFFORT TO COMPLY WITH THE REQUIREMENT;
AND

(2) HAS NOT COMPLIED BECAUSE OF A FACTOR BEYOND THE REASONABLE CONTROL OF THE RAILROAD COMPANY.

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

Subsections (a), (c), (d), and (e) of this section are new language derived without substantive change from former Art. 89, § 91(e) through (h).

Subsection (b) of this section is standard language added to demonstrate clearly the intended application of the referenced subtitle to administrative hearings under this section.

In subsection (c) of this section, the references to an "administrative law judge" are substituted for the former references to a "hearing examiner" to