

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

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OFFICE OF THE SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Board of Coal Mine Health and Safety TITLE NUMBER: 36

RULE TYPE: Legislative CITE AUTHORITY: 22A-6-4

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 18

TITLE OF RULE BEING AMENDED: Responsibility for Care and Maintenance of Equipment

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON November 14, 2007 AT 5:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Administrator
Board of Coal Mine Health and Safety
1615 Washington Street, East
Charleston, WV 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

#2.80



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

1615 Washington Street East • Charleston, West Virginia 25311-2126 • Telephone 304-957-2309 • Fax 304-558-6091

To: All Persons Interested in Rules and Regulations Constructed by
The Board of Coal Mine Health and Safety

From: James P. Bennett, Health and Safety Administrator

Subject: The Responsibility for Care and Maintenance of Equipment.

Date: October 11, 2007

Action: Proposed Rule- Title 36, Series 18, Section 6.

Authority: WV Code §22A-6-4

The Board of Coal Mine Health and Safety is created pursuant to WV Code §22A-6-1.

Written comment period will end Wednesday November 14, 2007 at 5:00 p.m.
Comments should be addressed to:
Administrator
Board of Coal Mine Health and Safety
1615 Washington Street, East
Charleston, WV 25311

SUMMARY:

The Board of Coal Mine Health and Safety recognizes that the safe and quick transportation of miners out of the mines under emergency conditions is of the utmost importance. Therefore the Board has proposed an amendment to §Title 36 Series 18 requiring that a mantrip of sufficient size to transport the number of men reasonably likely to be working on the section be available and maintained in proper working order at the end of the track on each working section.

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SECRETARY OF STATE

§36-18-1. General

1.1. **Scope.** – Rules and regulations governing the responsibility for care and maintenance of equipment; to provide that personnel carriers or trip cars used to transport miners to a working section must be maintained at the working section and must have sufficient capacity to transport all miners out of the working section in the event of an emergency.

1.2. **Authority.** – WV Code Chapter 22-6-4

1.3. **Filing Date.** –

1.4. **Effective Date.** –

§36-18-2. Effect of Regulations

2.1

- (a) These rules and regulations shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect of law. All provisions of Title 36 Series 18 of the Code relative to enforcement of these rules and regulations.
- (b) These proposed regulations are intended to provide that personnel carriers or trip cars used to transport miners to a working section must be maintained at the working section and must have sufficient capacity to transport all miners out of the working section in the event of an emergency.

§36-18-3. Definitions

3.1 **Unsafe Equipment:** The term “Unsafe Equipment” shall mean any equipment designated to be operated by a miner that has a defect which is covered by state law, or rule or regulation, and that creates a condition which involves a potential hazard that could reasonably be expected to cause a miner in the vicinity to be placed in danger of injury or death.

§36-18-4. Responsibility for care and maintenance of equipment.

4.1 Mine operators shall maintain equipment in safe operating condition. Equipment operators shall exercise reasonable care in the operation of the equipment entrusted to them and shall promptly report defects known to them, provided, if equipment has been taken out of service, by being properly tagged out, the operator shall not be issued a violation under the provision of this section; provided however, such tag placed on such equipment shall indicate the

date and time such equipment was removed from service. The person removing the equipment from service and tagging such equipment shall place his signature upon the tag.

§36-18-5. Pre-Operational Equipment Check.

- 5.1. Each working shift prior to its operation, all self-propelled section equipment to be operated during that shift shall be examined by the equipment operator for safety defects and/or unsafe conditions.
- 5.2. Pre-Operational equipment examination required under 5.1 of this rule shall include the following items at a minimum. In addition, a list of these items shall be maintained on such equipment.
 - 5.2.1. Stop/Start Control
 - 5.2.2. Panic Bar
 - 5.2.3. Tram Controls
 - 5.2.4. Steering
 - 5.2.5. Service Brakes
 - 5.2.6. Automatic Emergency Brakes
 - 5.2.7. Lights
 - 5.2.8. Warning Device
 - 5.2.9. Canopies Where Required
 - 5.2.10. ATRS System and Boom Controls on Roof Bolting Machines
- 5.3. Upon completion of the required examination under 5.1, if the equipment is determined to be unsafe, the individual making the examination shall report such unsafe equipment to his/her foreman. Any unsafe equipment shall be taken out of service and tagged until such unsafe condition is corrected. Before the unit of equipment can be placed back into service, the operator of such unit shall make a pre-operational examination.

§36-18-6. Maintenance of Personnel Carriers.

- 6.1. Personnel carriers or trip cars used to transport miners to a working section must be maintained at the working section, be readily available and must have sufficient capacity to transport all miners out of the working section in the event of an emergency. A mantrip of sufficient size to accommodate the number of men reasonably likely to be working on the section shall be available to transport that number of men to a safe area in the event of an emergency.

§36-18-7. Load Locking Valves.

- 7.1. All continuous-mining machines and loading machines shall be equipped with load-locking valves in the boom and head lift cylinders.