

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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1991 NOV 27 PM 4: 42

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

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

CITE AUTHORITY: 22-6-4

RULE TYPE: PROCEDURAL XX INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

22-64C

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 18

TITLE OF RULE BEING AMENDED: Rules and Regulations Governing The
Responsibility and Care for Maintenance of Equipment.

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 15, 1992



WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF COAL MINE HEALTH AND SAFETY
TITLE 36 SERIES 18

TITLE: RULES AND REGULATIONS GOVERNING RESPONSIBILITY AND CARE FOR
MAINTENANCE OF EQUIPMENT

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF COAL MINE HEALTH AND SAFETY

TITLE 36 SERIES 18

TITLE: Rules and Regulations Governing Responsibility and Care for
Maintenance of Equipment

General

Section 36.18

Scope:	1.1
Authority:	1.2
Filing Date:	1.3
Effective Date:	1.4
Effect of Regulations:	Section 36.18.2
Definitions:	Section 36.18.3
Responsibility and Care for Maintenance of Equip.:	Section 36.18.4
Pre-Operational Equipment Check:	Section 36.18.5

TITLE 36
LEGISLATIVE RULES
BOARD OF COAL MINE HEALTH AND SAFETY
SERIES 18

TITLE: RULES AND REGULATIONS GOVERNING THE RESPONSIBILITY FOR CARE AND MAINTENANCE OF EQUIPMENT

36.18.1 General:

1.1 Scope: Proposed Amendment to Rules and Regulations Title 36, Series 18, Section 4, Governing the Responsibility for Care and Maintenance of Equipment.

1.2 Authority: WV Code §22-6-4

1.3 Filing Date: Original Filing Date - January 22, 1982. These Rules and Regulations were Amended and Filed with the Secretary of State this 27th day of November 1991.

1.4 Effective Date: March 1, 1982. These Rules and Regulations were Amended and Became Effective this 15th day of January 1992.

36.18.2 Effect of Regulations:

2.1 These rules and regulations shall have the same effect of law and violations shall be deemed a violation of the law and so cited with same effect as law. All provisions of Article one A, Chapter twenty-two A of the WV Code relative to enforcement are applicable to the enforcement of these rules and regulations.

36.18.3 Definitions:

3.1 All terms used in these rules and regulations, not defined herein, shall have the meanings set forth in Section one, of Article one A, Chapter twenty-two A of the WV Code.

3.2 (a) Unsafe Equipment: The term "Unsafe Equipment" shall mean any equipment designed 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 a 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

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36.18.4

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 these rules and regulations shall include the following items at a minimum. In addition, a list of these items shall be maintained on such equipment.

1. Stop/Start Control
2. Panic Bar
3. Tram Controls
4. Steering
5. Service Brakes
6. Automatic Emergency Brakes
7. Lights
8. Warning Devices
9. Canopies Where Required
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.

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LEGISLATIVE RULES
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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

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Telephone: (304) 558-6000
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TO: Steven Edens

AGENCY: Coal Mine Health & Safety

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 18 TITLE: 36 Coal Mine Health & Safety

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *Douglas*

TITLE OF PERSON SIGNING: Administrative of Enforcement and Safety

DATE: July 14, 1992

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.