

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #5

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2010 APR -9 PM 12: 25

OFFICE 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: 22A-2-6

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

22A-2-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 36-25

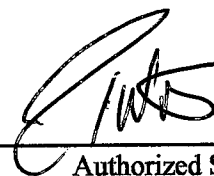
TITLE OF RULE BEING AMENDED: Operation of Track Haulage Locomotives

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS 10 May 2010



Authorized Signature

36 CSR 25

TITLE 36
LEGISLATIVE RULES
BOARD OF COAL MINE HEALTH AND SAFETY

FULL

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SERIES 25
OPERATION OF TRACK HAULAGE LOCOMOTIVES

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§36-25-1. General.

- 1.1. Scope. Rules and regulations Governing Operation of Track Haulage Locomotives.
- 1.2. Authority. W. Va. Code 22-6-4.
- 1.3. File Date. April 3, 2002. *7, 2010*
- 1.4. Effective Date. ~~August 15, 2002.~~ *May 10, 2010*

§36-25-2. Track Haulage Locomotives.

2.1. No persons other than those necessary to operate a trip or car shall ride on any loaded car or on the outside of any car. Locomotives shall operate within the limits of its design capabilities and at speeds consistent with the conditions of the haulage road. Trailing locomotives shall be required on all trips except in instances where other equivalent means are approved by the Director. In instances where trailing locomotives are not used and approved equivalent measures exist, the locomotive operator shall have an assistant to assist him in his duties at all times. Where assistants are provided, safe riding facilities will be provided on the locomotive. In determining the approval for other equivalent means, the Director shall consider a plan certified by a registered engineer which specifies:

- (a) Size/weight of locomotives utilized,
- (b) Percent and distance of ascending grades,
- (c) Use of derails or other equivalent safeguards,
- (d) The trailing load transported and number of cars in a trip.

The Director may rescind the approval of any haulage plan for just cause. The approved equivalent means shall be posted on the mine bulletin board.

§36-25-3 Governing Light and Reflectors on Equipment used on haulways in underground coal mines

(3.1) On all haulways, where hauling is done by machinery of any kind, the mine foreman shall provide for a proper system of signals, and a conspicuous light or approved trip reflector on the rear of every trip or train, when in motion or when parked.



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

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FINAL REGULATIONS

To: All persons interested in Rules and Regulations constructed by the Board of Coal Mine Health and Safety

From: Joel L. Watts, Administrator – BCMH&S

Subject: **OPERATION OF TRACK HAULAGE LOCOMOTIVES**, Title 36, Section 25

Effective Date: May 10 2010

Authority: §22.6.4

As a result of the fatal accident on October 19th, 2008 which took the life of Mr. Victor Goudy, the Director of the Office of Miner's Health, Safety, and Training, Ron Wooten, asked the Board of Coal Mine Health and Safety to consider for adoption a new rule which is meant to prevent future incidents involving the same situation.

The Director feels that with the implementation of this rule any future fatal accidents involving circumstances such as those which happened to Mr. Goudy will be prevented, possibly saving the life of a coal miner.