

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box

FILED

2002 APR -3 A 10:39

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: 22-6-4

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

WV Code 22-6-4

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_ NO xxx

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 25

TITLE OF RULE BEING PROPOSED: Rules and Regulations

Governing Operation of Track Haulage Locomotives

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS July 2, 2002

  
Authorized Signature

SCANNED

FILED

### §36-25.1 Track Haulage Locomotives

6.1 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.

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