

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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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: West Virginia Code Sec. 22-6-4

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

West Virginia Code Sec. 22-6-4

AMENDMENT TO AN EXISTING RULE: YES XX, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 27

TITLE OF RULE BEING AMENDED: Rules and Regulations Governing

Surface Areas

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

TITLE OF RULE BEING ADOPTED: Mirrors on Surface operated equipment

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS October 1, 1995

Ronald L. Harris

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 36, Series 27 - Rules and Regulations Governing Surface Areas

Type of Rule: xx Legislative Interpretive Procedural

Agency WV Board of Coal Mine Health and Safety

Address 1615 Washington Street, E.

Charleston, WV 25311

1. Effect of Proposed Rule N/A

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates: N/A

3. Objectives of these rules: To eliminate the possibility of injuries and fatalities to persons working on foot from being struck by surface mine equipment by requiring the surface mine equipment to be provided with adequate mirrors.

Rule Title: Title 36, Series 27 - Rules and Regulations Governing Surface Areas

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: August 15, 1995

Signature of Agency Head or Authorized Representative

Ronald L. Harrod

Summary:

The Board of Coal Mine Health and Safety has recently completed its review of a mine fatality where a person on foot was struck by a front end loader as the loader operator was backing the machine. The loader was an older model and was not equipped with mirrors. The Board feels that by requiring adequate mirrors on surface mine equipment will greatly reduce the possibility of this type fatality occurring again. The new regulation, 36-12-12.1, will require adequate mirror(s) on surface equipment that operates at surface mines, surface areas of underground mines, preparation plants and loadouts.

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TITLE 36
LEGISLATIVE RULES
BOARD OF COAL MINE HEALTH AND SAFETY
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
SERIES 27
RULES AND REGULATIONS GOVERNING SURFACE
AREAS

Sec. 36-27-1. General

- 1.1. Scope - Rules and Regulations Governing Surface Areas
- 1.2. Authority - WV Code Sec. 22-6-4.
- 1.3. Filing Date - August 14, 1995
- 1.4. Effective Date - October 1, 1995
- 1.5. 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 as law. All provisions of Article 1, Chapter 22 of the Code, relative to enforcement, are applicable to the enforcement of these rules and regulations.

Sec. 36-27-2. Definitions.

- 2.1. "High voltage powerline" means any uninsulated suspended power conductor carrying high voltage.
- 2.2. "Lanyard" means a rope, suitable for supporting one person. One end is fastened to a safety belt or harness and the other end is secured to a substantial object or a safety line.
- 2.3. "Lifeline" means a rope, suitable for supporting one person, to which a lanyard or safety belt (or harness) is attached.
- 2.4. "Safety belt" means a device, usually worn around the waist, which, by reason of its attachment to a lanyard and lifeline for a structure, will prevent a worker from falling.
- 2.5. All other terms used in these rules and regulations, not defined herein, shall have the means set forth in Section 1, Article 1, Chapter 22 of the Code.

Sec. 36-27-3. Operating Equipment With Suspended Material.

- 3.1. All persons remain a safe distance from any supplies or materials while being raised, lowered or in transit, by a forklift, crane, or other equipment: Provided, that whenever it is necessary to have persons other than the equipment operator in the immediate vicinity of any such supplies, the loads shall be securely fastened by a chain or other device to the equipment handling the load in order to prevent the load from slipping or falling off the equipment.

Sec. 36-27-4. Protection From Falls From Elevated Areas.

4.1. Safety protection such as safety belts, lifelines, or lanyards to prevent a person from falling shall be provided at all times where the potential fall distance exceeds fifteen (15) feet, except that safety belts shall not be used where they are impractical or would pose a greater hazard.

4.2. Safety nets shall be provided when work places are more than twenty-five (25) feet above the ground where the use of ladders, scaffolds, catch platforms, temporary floors, safety lines, or safety belts are impractical.

Sec. 36-27-5. Safety Precautions on Coal Stockpiles.

5.1. The following requirements shall apply to all surface coal stockpiles with draw-off tunnel feeders underneath the coal storage area of the stockpile which discharge onto a conveyor belt:

(a) No person shall travel on foot or operate equipment on a coal stockpile or coal storage area directly over areas where underlying coal feeders are in place without a plan approving such activity by the Director, or his authorized representative. The Plan shall be submitted by the operator or the independent contractor performing the work, and shall be reviewed with all persons prior to work being done, and a record kept of such review.

(b) The Plan shall outline procedures to protect the health and safety of those who may have to travel on foot or operate equipment on a coal stockpile or coal storage area directly over areas where underlying coal feeders are in place. The minimum criteria for approval of the plan shall include:

- (1) The equipment shall be equipped with an enclosed cab.
- (2) The equipment shall have two-way communications.
- (3) The equipment operator shall be provided with a self-contained self-rescuer.
- (4) Warning signs shall be posted at the entrances to all coal stockpiles with underlying coal feeders.
- (5) No person shall travel on foot, except on an emergency basis, and only under direct supervision; they shall be secured by an overhead lifeline; and feeders shall be locked and tagged out.

(c) The operator shall establish rules for the safe procedures for breaking through cavities and for marking the feeder areas on the surface. A copy of the rules shall be submitted to the Director, Office of Miners' Health, Safety and Training for approval. A copy of the approved rules shall be posted at the mine site, and all persons to perform such work shall be instructed in these procedures.

(d) Telephone or equivalent two-way communications shall be established between equipment operators working on stockpiles and those persons who are operating conveyors, feeders, and hoppers at storage piles (where more than one person performs these duties), in order to keep such equipment operators advised of the possibility of bridged material over a cavity in the stockpile.

Sec. 36-27-6. Working Around High-Voltage Powerlines.

6.1. Location of high-voltage powerlines. High-voltage powerlines located above surface work areas, driveways, haulageways, and railroad tracks shall be installed no less than fifteen (15) feet above ground.

6.2. Operation of equipment, minimum distance from high voltage lines.

(1) Equipment or machinery operated on the surface of any coal mine shall not be operated within ten (10) feet of an overhead powerline unless the line is deenergized and visibly grounded at the point of work, or unless insulating barriers not part of or an attachment to, the equipment have been erected to prevent physical contact with the lines. Where the voltage of overhead powerlines is sixty-nine thousand (69,000) volts or more, the minimum clearance between the lines and part of the equipment or load shall be: (Please see Table 36-27a).

(2) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means.

6.3. Movement of equipment; minimum distance for high voltage lines. When any part of any equipment operated on the surface of any coal mine is required to pass under or by any energized high-voltage powerline and the clearance between such equipment and powerline is less than that specified above, such powerlines shall be deenergized or other precautions shall be taken to prevent contact with the powerlines.

6.4. Deenergization of powerlines. Any overhead wire shall be considered to be an energized line unless and until the person owning such line or electrical utility authorities verifies that it is not an energized line and it has been visibly grounded.

Sec. 36-27-7. Tires and Repairs.

7.1. A safety tire rack, cage or equivalent protection shall be provided when inflating tires during installation on split rings or rims equipped with locking rings or similar devices. Tires shall be deflated before repairs on them are started, and means shall be provided to prevent wheel locking rims from creating a hazard during tire inflation. Different types and sizes of wheel rims in the same location shall be stored separate from each other.

Sec. 36-27-8. Crushers, Feeders, and Rotary Breakers.

8.1. No person shall be permitted to perform any work within the confines of the cargo space of a crusher, feeder, or rotary breaker unless such equipment has been deenergized and locked out.

Sec. 36-27-9. Machines with Movable Parts.

9.1. Ninety (90) days after the effective date of this section, machines with movable parts used at surface mines or surface areas of underground mines, which are capable of coming into contact with its operating controls or is capable of pinning the operator between the movable part and its controls, shall be equipped with a panic bar or suitable mechanical means to prevent such contact, or pinning of the operator.

Sec. 36-27-10. Seat Belts.

10.1. Each employee working in a surface coal mine or in the surface areas of an underground coal mine shall be required to wear seat belts in a vehicle where there is a danger of overturning and where roll protection is provided.

10.2. Seat belts shall be worn by all drivers of trucks, 5-ton or greater, while operating their trucks on surface mines and surface areas of underground mines.

Sec. 36-27-11. Transporting Compressed Gas Cylinders.

11.1. When tanks and cylinders are not used and they are being transported, they shall be securely mounted with regulators removed, cylinder valves closed and protective valve caps replaced, except in conformance with the following requirements:

(a) Cylinders shall remain in a substantially constructed compartment while the gauges are attached and shall be secured against movement.

(b) The substantially constructed compartment shall be designed specifically for the mine maintenance vehicles carrying it; the cylinders shall be secured against movement and be placed at no greater than a 45 degree angle.

(c) The cylinder regulators, if not in enclosed compartments, shall be adequately covered to provide protection when regulators are left attached to cylinders.

(d) The substantially constructed compartments shall be secured to the mine maintenance vehicle in such a manner to prevent the entire compartment from overturning at any time.

(e) If the cylinders are being transported in closed compartments, the compartments shall be adequately ventilated, and all doors on the substantially constructed compartments shall be closed and secured when not in use.

(f) Cylinders, gauges, hoses, connectors, valve stems, and torches shall be checked for damage and proper fit by a qualified person immediately following transportation and prior to use.

(g) The cylinder valves shall be in a shut-off position, and the hoses relieved of pressure when not in use and when being transported.

(h) All substantially constructed compartments shall be approved by the Director or his authorized representative prior to initial use.

Sec. 36-27-12. Mirrors on Surface operated equipment

12.1. When required by an authorized representative of the Director to enhance safe operation, adequate mirror(s) will be provided on surface mine equipment that operates at surface mines, surface areas of underground mines, preparation plants and loadouts.

Mirror(s) provided on equipment by manufacturers of said equipment shall be deemed adequate and in compliance with the regulations.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

CATHERINE FREROTTE
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(Plus all the volunteer help we can get)

TO: Ron Harris

AGENCY: Coal Mine Health & Safety

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 13, 1995

THE ATTACHED RULE 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: 27 TITLE: 36 Coal Mine Health & Safety

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Ronald L. Harris

TITLE OF PERSON SIGNING: Administrator

DATE: 10-24-95

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
Oct 24 3 11 PM '95

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* 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.