

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

Form #5

Do Not Mark In This Box

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2005 SEP -2 P 1:38

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

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

CITE AUTHORITY: 22A-6-4

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
22A-6-4

AMENDMENT TO AN EXISTING RULE: YES X NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 27

TITLE OF RULE BEING AMENDED: _____

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 October 2, 2005


Authorized Signature



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

1615 Washington Street, E. • Charleston, WV 25311 • (304) 558-1425 • FAX: 558-6091

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

FROM: Kenny Dickens, Health and Safety Administrator

SUBJECT: Safety Devices on Surface Haulage Equipment

DATE: September 2, 2005

ACTION: Proposed Rule – Title 36, Series 27, Section 13

AUTHORITY: WV Code §22A-6-4

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

Background:

On September 17, 2003, two fatalities occurred, at approximately 6:30 a.m., when two mine employees were killed when the van they were riding in was ran over by a Euclid 190 rock truck. A third victim in the van was severely injured. The rock truck driver was unaware of the location of the van.

The Board of Coal Mine Health and Safety recognizes that fatalities of this nature and circumstances could possibly have been prevented. The BCMH&S believes that if there were video cameras required that would maximize visibility to eliminate blind spots on large trucks, this would in turn minimize potential damage or serious injuries. Accordingly, the BCMH&S has drafted and is hereby proposing the enclosed draft regulation to aid in the prevention of similar accidents and near misses on or around West Virginia's surface mine areas and preparation plant areas.

KND:lgh

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 36-27-13. Safety Devices on Surface Haulage Equipment.

Type of Rule: Legislative Interpretive Procedural

Agency: Board of Coal Mine Health and Safety

Address: 1615 Washington Street, E.
Charleston, WV 25311

Phone Number: 304-558-1425 Email: Kdickens@mines.state.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This rule will have no financial effect on this Board's budget. All evaluations and reviews will be accomplished through the Board members and staff.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	- 0 -	- 0 -	- 0 -
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues			

Rule Title: _____

Rule Title: Safety Devices on Surface Haulage Equipment

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

N/A

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

N/A

Date: 9/2/05

Signature of Agency Head or Authorized Representative

Kenneth Dickson

FILED

TITLE 36
LEGISLATIVE RULE
BOARD OF COAL MINE HEALTH AND SAFETY

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SERIES 27
RULES AND REGULATIONS GOVERNING SURFACE

OFFICE WEST VIRGINIA
SECRETARY OF STATE

36-27-1. General.

- 1.1. Scope. -- Rules and Regulations Governing Surface Areas
- 1.2. Authority. -- W. Va. Code 22-6-4.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

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.

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 W. Va. Code 22-1-1.

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.

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.

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 and doors and windows shall be closed and secured at all times the equipment is in operation. Beginning January 1, 2001 all mobile equipment manually operated on coal stockpiles, where there is a potential of the equipment falling into a cavity, shall be equipped with an enclosed cab fitted with chemically tempered glass and a window support system; provided however, that glass certified to withstand 40 psi may be installed without a window support system, provided that such glass is installed in a substantial frame. The Director of the Office of Miners Health, Safety and Training will approve all enclosed cabs pursuant to this section. The Director of the Office of Miners Health, Safety and Training may approve other types of glass and window frames or support system provided that an equal or greater amount of protection is afforded.

(2) The equipment shall have two-way communications and a back up communication system supplied on an independent power source.

(3) The equipment operator shall be provided with two self-contained self-rescuers.

(4) A remote control device capable of stopping the flow of coal from the feeder and stop the coal coming onto the stockpile. Such device shall be tested weekly.

(5) A means of providing emergency lighting to the mobile equipment operator.

(6) Warning signs shall be posted at the entrances to all coal stockpiles with underlying coal feeders.

(7) 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.

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.

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.

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.

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.

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.

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.

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.

36-27-13. Safety Devices on Surface Haulage Equipment.

13.1. Sixty (60) days after the effective date of this section all surface mines, surface areas of underground mines, which utilize or operate vehicles capable of carrying 100-tons or greater, which operate in close proximity of smaller vehicles, as identified in Section 13.1(a), shall implement the following enhancements in order to maximize the visibility of operators and coordination of equipment.

(a) All maintenance, service, foreman or other utility vehicles shall be equipped with strobe lights and/or whip antennas, or other suitable devices as approved by the Director, or to be escorted by a vehicle equipped with such devices. This requirement excludes employee vehicles that are traveling on designated access road(s) to and from work.

(b) Equipment operators of haulage vehicles capable of carrying 100-tons or greater shall conduct a complete walk around of the equipment before it is placed in operation at the beginning of the shift and anytime the operator dismounts the machine.

(c) Equipment operators of haulage vehicles capable of carrying 100-tons or greater shall sound an audible warning device three times before the machine is placed in operation, and after the machine has set idle while in operation for periods that exceed normal cycle times.

(d) Reflective numbers or other clearly distinguishable identification markers, at a minimum of at least five (5) inches in height or as approved by the Director or his authorized representative, shall be installed, in conspicuous places, on all four sides of all vehicles capable of carrying 100-tons or greater.

(e) All vehicles capable of carrying 100-tons or greater shall be equipped with two-way communications.

(f) At no time shall a smaller vehicle travel into a blind spot of a vehicle over 100-ton capacity without communicating with the operator of the larger vehicle and receiving positive confirmation from that operator that it is safe to approach.

All employees of the mine shall receive a briefing of these procedures within thirty (30) days of the effective date of this rule and these procedures shall be included in the employees annual retraining, newly hired miner training, and hazard training.

13.2. Within One Hundred and Eighty (180) days after the effective date of this section all trucks with a 230-ton capacity or greater on or around a surface mine or surface area of an underground mine will be equipped with a camera, approved by the Director or other devices approved by the Director and the Technical Review Committee, at the rear of the truck to reduce blind spot hazards.

13.3. Within One Year after the effective date of this section the West Virginia Board of Coal Mine Health and Safety will review the effectiveness of the cameras on the rear of the 230-ton capacity or greater off road haulage vehicles.