

WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III

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ADMINISTRATIVE LAW DIVISION

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Form #2

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: Legislative CITE AUTHORITY: 22A-6-4

AMENDMENT TO AN EXISTING RULE: YES XX NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 27

TITLE OF RULE BEING AMENDED: Surface Areas

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON December 1, 2004 AT 9:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Kenny Dickens, Administrator

Board of Coal Mine Health & Safety

1591 Washington St., E.

Charleston, WV 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

1591 Washington Street, E. • Charleston, WV 25311 • (304) 558-3721 • FAX: 558-3729

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: Surface Areas (Safety Devices)

DATE: October 18, 2004

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

COMMENT PERIOD: 30-day written comment period

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 around 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.

Notwithstanding, the BCMH&S understands that there may be numerous other issues regarding the requirement to utilize video cameras on these large trucks. As a result, there will be a comment period ending on November 30, 2004 at 4:30 p.m., with a public hearing being held beginning at 9:00 a.m. on December 1, 2004, at 1591 Washington Street, E., Charleston, WV 25311.

13.1. Ninety (90) days after the effective date of this section all trucks one hundred (100) tons and over operating on or around a surface mine or surface area of an underground mine will be equipped with cameras to improve visibility.

- (a) Cameras are required to monitor the front of the vehicle, the offside and the rear areas of the truck.
- (b) The monitor(s) shall be positioned in the cab so the operator can see all areas covered by the cameras.
- (c) The offside camera will be operational at all times.
- (d) The front camera will be activated automatically when the truck is placed in the forward gear and the rear camera will activate when the transmission is put in reverse.
- (e) In the event of a camera malfunction, it must be corrected immediately. If circumstances occur where parts are not available, the Director may waive this requirement for a period not to exceed 48 hours.

13.2. Maintenance, service, foreman, or other vehicles under 100 tons shall be equipped with strobe lights and whip antennas.

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TITLE 36
LEGISLATIVE RULE
BOARD OF COAL MINE HEALTH AND SAFETY

2004 OCT 18 A 10:38

SERIES 27
RULES AND REGULATIONS GOVERNING SURFACE AREAS

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. Surface Haulage Safety Devices.

13.1. Ninety (90) days after the effective date of this section all trucks one hundred (100) tons and over operating on or around a surface mine or surface area of an underground mine will be equipped with cameras to improve visibility.

- (a) Cameras are required to monitor the front of the vehicle, the offside and the rear areas of the truck.
- (b) The monitor(s) shall be positioned in the cab so the operator can see all areas covered by the cameras.
- (c) The offside camera will be operational at all times.
- (d) The front camera will be activated automatically when the truck is placed in the forward gear and the rear camera will activate when the transmission is put in reverse.
- (e) In the event of a camera malfunction, it must be corrected immediately. If circumstances occur where parts are not available, the Director may waive this requirement for a period not to exceed 48 hours.

13.2. Maintenance, service, foreman, or other vehicles under 100 tons shall be equipped with strobe lights and whip antennas.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Surface AReas

Type of Rule: Legislative Interpretive Procedural

Agency: Board of Coal Mine Health & Safety

Address: 1591 Washington St E
Charleston WV 25311

Attn: Kenny Dickens

1. Effect of Proposed rule:

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	n/a				
PERSONAL SERVICES	n/a				
CURRENT EXPENSE	n/a				
REPAIRS & ALTERATIONS	n/a				
EQUIPMENT	n/a				
OTHER	n/a				

2. Explanation of Above Estimates:

No money involved

3. Objectives of These Rules:

If video cameras were required, that would maximize visibility to eliminate blind spots around large trucks, this would in turn minimize potential damage or serious injuries.

Rule Title: Surface Areas

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:
none

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: \$2500 per camera set-up. So it depends on number of cameras necessary.

C. Economic Impact on Citizens/Public at Large.
none

Date: October 18, 2004

Signature of Agency Head or Authorized Representative:


