

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #1

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**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

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

RULE TYPE: Legislative Rule; CITE AUTHORITY Code 22-6-4

AMENDMENT TO AN EXISTING RULE: YES  NO

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

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

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 39

TITLE OF RULE BEING PROPOSED: Rules and Regulations Governing

Car Droppers

DATE OF PUBLIC HEARING: December 22, 1987 TIME: 9:00 a.m.

LOCATION OF PUBLIC HEARING: DOE Charleston Regional Office

322 70th Street, S.E.

Charleston, West Virginia 25304

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Same

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Mark A. Scott

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON PROPOSED RULE

COMMENT PERIOD

Agency: West Virginia Department of Energy

Rule Type: Proposed Regulations

Rule Title: Title 36, Series 39 - Rules and Regulations Governing  
Car Droppers

A comment period on the above proposed rule has been scheduled and will end on October 30, 1987. Written comments are to be mailed to the following address: West Virginia Department of Energy

1615 Washington Street, East, Charleston, WV 25311

Attention: Terry L. Farley, Health and Safety Administrator

The issues to be heard shall be limited to the proposed rule.

  
Mark A. Scott, Chairman

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENERGY  
Board of Coal Mine Health & Safety  
Charleston 25311

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

From: Terry L. Farley, Health and Safety Administrator *T.L.F.*

Date: November 25, 1987

Subj: Proposed Regulations: (1) Car Droppers; (2) Lifting Jacks

ACTION: Notice of Public Hearing

AUTHORITY: These regulations are proposed in accordance with Chapter  
22, Article 6, Section 4 of the West Virginia Code.

SUMMARY (Proposed Car Dropping Regulations)

The Board of Coal Mine Health and Safety is proposing a rule regarding the establishment of safe operating procedures for all mining operations which employ car droppers. These requirements are being proposed following the Board's review and investigation of two separate fatal accidents in 1985 and 1986.

SUMMARY (Proposed Lifting Jack Regulations)

The Board of Coal Mine Health and Safety is proposing a rule to ensure the availability of a suitable lifting jack at each underground section for use in emergency situations. This requirement is being proposed following the Board's review of the recommendations of the investigating team who had examined the causes of a 1986 fatal underground mining accident.

PUBLIC HEARING NOTICE

A comment period on the above proposed rules ended on October 30, 1987. In addition, a public hearing to receive additional testimony on the proposed rules will be held on Tuesday, December 22, 1987, at the Department of Energy's Charleston Regional Office at 322 70th Street, S.E., Charleston, West Virginia. The first hearing will be held on the Car Dropping regulations, and will begin at 9:00 a.m. The hearing on Lifting Jack regulations will be held immediately following the first hearing. Comments should be limited to the content of the two proposals. We would also request that written copies of your comments be presented at the hearings.

FOR FURTHER INFORMATION

Requests for additional copies of the regulations and any questions on the proposals should be directed to Terry L. Farley, Administrator, Board of Coal Mine Health and Safety, at (304) 348-3500.

TLF:te

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENERGY  
Board of Coal Mine Health & Safety  
Charleston 25311

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

From: Terry L. Farley, Health and Safety Administrator *T.L.F.*  
Board of Coal Mine Health and Safety

Date: September 21, 1987

Subj: Proposed Car Dropping Regulations

Action: Proposed rule; request for comments

Authority: These regulations are proposed in accordance with Chapter  
22, Article 6, Section 4 of the West Virginia Code.

Summary

The Board of Coal Mine Health and Safety is proposing a rule regarding the establishment of safe operating procedures for all mining operations which employ car droppers. These requirements are being proposed following the Board's review and investigation of two separate fatal accidents in 1985 and 1986. In these accidents, the victims were fatally injured when the railroad cars they were dropping collided with other cars. Both victims were riding the front end of a railroad car when the accidents occurred.

The Board determined that riding the front end of a railroad car was a contributing factor in both fatal accidents. The Board's investigation also revealed that the lack of written car dropping procedures may have been a factor in the two fatal accidents.

Request for Comments

Comments are invited from interested persons on the proposed regulation to establish safe car dropping procedures. Comments should be limited to the content of the proposal. All comments should be in writing, and mailed no later than October 30, 1987, to:

Terry L. Farley, Health and Safety Administrator  
Board of Coal Mine Health and Safety  
West Virginia Department of Energy  
Division of Mines and Minerals  
1615 Washington Street, East  
Charleston, West Virginia 25311

In addition, any requests for a public hearing on the proposed regulations should be sent to the same address.

For Further Information

Requests for copies and questions on the proposal should be directed to Terry Farley, Administrator to the Board of Coal Mine Health and Safety, at (304) 348-3500.

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WEST VIRGINIA LEGISLATIVE RULE  
BOARD OF COAL MINE HEALTH AND SAFETY  
TITLE 36 SERIES 39

TITLE: RULES AND REGULATIONS GOVERNING CAR DROPPING

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WEST VIRGINIA LEGISLATIVE RULE  
BOARD OF COAL MINE HEALTH AND SAFETY  
TITLE 36 SERIES 39

TITLE: Rules and Regulations Governing Car Dropping

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General	Section 36.39.1
Scope	1.1
Authority	1.2
Effective Date	1.3
Definitions	Section 36.39.2
Car Dropping Requirements	Section 36.39.3

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
BOARD OF COAL MINE HEALTH AND SAFETY  
TITLE 36

TITLE: Rules and Regulations Governing Car Dropping

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Section 1. General

1.1 Scope - This administrative rule establishes safety requirements relating to car dropping in and around coal mining areas.

1.2 Authority - West Virginia Code Chapter 22, Article 6, Section 4.

1.3 Effective Date -

Section 2. Definitions

2.1 All terms used in this rule, not defined herein, shall have the meanings set forth in Chapter 22A, Article 1, Section 1 of the West Virginia Code.

Section 3. Car Dropping Requirements

3.1 All mining operations which employ car droppers shall have available written procedures which outline the method used for dropping railroad cars. The procedures shall include the minimum criteria listed in 3.2, and shall be reviewed annually with all car droppers.

3.2 Railroad equipment. (a) Railroad cars shall be maintained under control at all times. Cars shall be dropped at a safe rate of speed and in such a manner that will insure that the car dropper maintains a safe position while working and traveling around the cars. The car dropper shall control the trip from one location and not drop more cars than can be controlled from such location. A car dropper shall not drop more than three cars at one time with one brake.

(b) Railroad cars shall not be coupled or uncoupled manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from coupling or uncoupling cars from inside curves.

(c) No person shall ride the drawhead or coupler of a railroad car. No person other than the car dropper shall ride cars. No person shall ride the head end of a front car at any time.

(d) Employees handling railroad cars shall have access to, and use an approved distinct audible signaling device to give warning when cars are in motion. A car dropper shall only, in case of an emergency, get on or off a moving car.

(e) Rail cars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks. Parked rail cars, unless held effectively by brakes, shall be blocked securely. Persons dropping or spotting cars shall observe clearances in switch areas. Cars shall not be parked in switches.

(f) Railroad cars shall be trimmed properly when they have been loaded higher than the confines of their cargo space.

(g) A minimum of thirty (30) inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30 inch clearance shall be marked conspicuously.

(h) Roadbeds, rails, joints, switches, frogs, and other elements on railroads shall be designed, installed and maintained in a safe manner consistent with the speed and type of haulage.

(i) Positive-acting stopblocks, derail devices, track skates, or other adequate means shall be installed wherever necessary to protect persons from runaway railroad equipment.

(j) Switch throws shall be installed so as to provide adequate clearance for switchmen.

(k) Where necessary, bumper blocks or the equivalent shall be provided at all track dead ends.

(l) Cars shall be inspected for broken steps, platforms and brake wheels, and for defective brakes before dropping. Persons finding cars with defective brakes shall notify their supervisor immediately after precautions have been made to secure the car. The supervisor in charge shall place a red tag on the brake wheel of the defective car. A description of the defective brake condition shall be written on the red tag. The operator shall also include the defective car's serial number and a description of the defective condition on the Bill of Lading to be sent to the railroad company.

(m) Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

(n) Safety belts shall be worn and properly attached by all car droppers handling railroad cars. All such belts shall be of a design to allow maximum safety to provide for immediate uncoupling.

(o) The procedures outlined in this section shall be explained thoroughly to all car droppers and new employees.