

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark in this Box

FILED
1988 APR 11 PM 3:25
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: Chapter 22, Article 6, Section 4

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE x

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

Chapter 22, Article 6, Section 4

AMENDMENT TO AN EXISTING RULE: YES x, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 39

TITLE OF RULE BEING AMENDED: Rules and Regulations Governing

Car Dropping

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

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS April 11, 1988

Mark A. Scott

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

TITLE: RULES AND REGULATIONS GOVERNING CAR DROPPING

FILED

1989 APR 11 PM 3:26

OFFICE OF AIDE VADON
SECRETARY OF STATE

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

TITLE: Rules and Regulations Governing Car Dropping

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 LEGISLATIVE RULE
BOARD OF COAL MINE HEALTH AND SAFETY

TITLE 36 SERIES 39

TITLE: Rules and Regulations Governing Car Dropping

Section 36.39.1 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 36.39.2 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 36.39.3 Car Dropping Requirements

3.1 Within 90 days after the effective date of these regulations, the operator of any coal mine which engages in the practice of manually dropping railroad cars shall develop a site-specific plan governing such activity. In formulating such plan, the length, complexity, and general condition of the rail system, including the severity of incline, shall be considered. The plan shall include the number of loaded and empty coal cars that can be safely dropped, along with a method for storing cars. Equipment operating speeds shall be consistent with conditions of the roadways, grades, clearance, visibility, traffic, and the type of equipment used.

3.2 The plan shall be submitted to the Director and must meet the following minimum requirements for approval.

- (a) No person shall ride the drawhead or coupler of a railroad car. No person other than the car dropper or experienced person(s), and only those necessary to operate the trip, shall ride cars. No person shall ride the head end of a front car at any time.
- (b) 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.

- (c) Railroad cars shall be trimmed properly when they have been loaded higher than the confines of their cargo space.
- (d) 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.
- (e) 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.
- (f) Positive-acting stopblocks, derail devices, track skates, or other adequate means shall be installed wherever necessary to protect persons from runaway railroad equipment.
- (g) Switch throws shall be installed so as to provide adequate clearance for switchmen.
- (h) Where necessary, bumper blocks or the equivalent shall be provided at all track dead ends.
- (i) 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.
- (j) 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.
- (k) The procedures outlined in this section shall be explained thoroughly to all car droppers and new employees.

FILED

1988 APR 11 PM 3:25

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

TITLE: RULES AND REGULATIONS GOVERNING CAR DROPPING

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

TITLE: Rules and Regulations Governing Car Dropping

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

TITLE: Rules and Regulations Governing Car Dropping

Section 36.39.1 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 36.39.2 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 36.39.3 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.~~

Within 90 days after the effective date of these regulations, the operator of any coal mine which engages in the practice of manually dropping railroad cars shall develop a site-specific plan governing such activity. In formulating such plan, the length, complexity and general condition of the rail system, including the severity of incline, shall be considered. The plan shall include the number of loaded and empty coal cars that can be safely dropped, along with a method for storing cars. Equipment operating speeds shall be consistent with conditions of the roadways, grades, clearance, visibility, traffic, and the type of equipment used.

~~3.2 Railroad equipment.-(a)-Railroad cars shall be maintained under control at all times. Car 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.~~

The plan shall be submitted to the Director and must meet the following minimum requirements for approval.

(a) No person shall ride the drawhead or coupler of a railroad car. No person other than the car dropper or experienced person(s), and only those necessary to operate the trip, shall ride cars. No person shall ride the head end of a front car at any time.

(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.

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 emergency, get on or off a moving car.

(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.

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

(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.

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.

(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.

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.

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

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

- (g) ~~A minimum of thirty (30) inches of 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.~~

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

- (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.~~

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

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

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.

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

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.

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

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

- (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 ear 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 ear droppers and new employees.~~

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 342-8000



RECEIVED
COMMUNICATIONS
DEPARTMENT
CHARLESTON, WV 25311

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA
SECRETARY OF STATE

MAY 23 1988

Charleston 25305

TO: Mark Scott - Emerg
FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.
DATE: May 20, 1988

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) 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.

Title 36, Series 39

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED: Gina H. Estep

TITLE OF PERSON SIGNING: Steno-Sec. I

DATE: June 1, 1988

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____