



## State of West Virginia

Department of Mines

Charleston 25305

May 31, 1984

JOHN D. ROCKEFELLER, IV.  
Governor

WALTER N. MILLER  
Director

The Honorable A. James Manchin  
Secretary of State of West Virginia  
State Capitol Building  
Charleston, West Virginia 25305

Dear Secretary Manchin:

Enclosed are the following rules and regulations promulgated by the Board of Coal Mine Health and Safety:

Rules and Regulations Governing Roof Control Practices (Series 40)

Rules and Regulations Governing Construction and Rehabilitation Operations in Underground Mines (Series 41)

Rules and Regulations Governing Surface Areas of Underground Mines (Series 42)

Rules and Regulations Governing Coal and Rock Outbursts (Series 43)

Rules and Regulations Governing Coupling and Uncoupling of Mine Cars (Series 44)

Rules and Regulations Governing Operation of Section Haulage Equipment (Series 45)

Rules and Regulations Governing Prevention of Injuries Due to Handling of Materials (Series 46)

Rules and Regulations Governing Housekeeping Practices in Underground Mines and Surface Areas of Underground Mines (Series 47)

These regulations were promulgated by the Board pursuant to Chapter 22, Article 2A, Section 4 and 4a of the West Virginia Code, and become effective July 1, 1984.

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE June 1, 1984  
Administrative Law Division

-continued-

Honorable A. James Manchin  
Page 2

Please be advised that these rules and regulations promulgated by the Board of Coal Mine Health and Safety are exempted by West Virginia Code 22-2A-4(c) from the provisions of the West Virginia Administrative Procedures Act. Also, these rules and regulations were exempted by the West Virginia Supreme Court of Appeals in UMWA v. Scott, et al. from the public review and comment requirements of West Virginia Code 22-2A-4(c).

Please file these rules and regulations in the appropriate State register.

Yours for mine safety,



Walter N. Miller, Director  
West Virginia Department of Mines

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Enclosures (8)



State of West Virginia

Department of Mines

Charleston 25305

JOHN D. ROCKEFELLER, IV.  
Governor

WALTER N. MILLER  
Director

December 26, 1984

The Honorable A. James Manchin  
Secretary of the State of West Virginia  
State Capitol Building  
Charleston, West Virginia 25305

Dera Secretary Manchin:

Enclosed are revised rules and regulations promulgated by the Board of Coal Mine Health and Safety governing Roof Control Practices.

These regulations were promulgated by the Board pursuant to Chapter 22, Article 2A, Sections 4 and 4a of the Code of West Virginia. The regulations were promulgated on December 13, 1984 and become effective February 1, 1985. The regulations replace the existing Series 40 Administrative Regulations now in effect.

Please be advised that these rules and regulations promulgated by the Board are exempted by West Virginia Code 22-2A-4(c) from review by the Legislative Rule-Making Committee.

Please file these rules and regulations in the appropriate State Register.

Yours for Mine Safety,

Walter N. Miller, Director  
West Virginia Department of Mines

WNM:te

Enclosures

SECRETARY OF STATE  
OFFICE OF WEST VIRGINIA

1984 DEC 26 PM 2:23

FILED

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE Dec. 26, 1984

Administrative Law Division



## State of West Virginia

Department of Mines

Charleston 25305

JOHN D. ROCKEFELLER, IV.  
Governor

WALTER N. MILLER  
Director

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

FROM: Mark A. Scott, Administrator

SUBJECT: Amendments to Series 40, Rules and  
Regulations Governing Roof Control  
Practices

DATE: December 26, 1984

ACTION: Final rule

EFFECTIVE DATE: February 1, 1985

AUTHORITY:

These regulations are promulgated in accordance with Chapter 22, Article 2A, Section 4 of the West Virginia Code. These regulations are also promulgated in accordance with the decision of the West Virginia Supreme Court of Appeals in UMWA v. Scott, et al., which held that regulations issued by the Board in response to mining fatalities and major causes of injuries are not subject to the public review and comment provisions of Code 22-2A-4.

SUMMARY:

On May 25, 1984, the Board issued Administrative Regulation Series 40, which established various requirements for roof control practices and operation of roof bolting machines. This regulations, which became effective July 1, 1984, was issued in part in response to a 1984 roof fall fatality. In this accident, the victim was inby the operating controls of the roof bolting machine while it was being repositioned in preparation to install the final row of bolts in the face area. The ATRS had been lowered and the machine was being moved when a rock brow fell, striking the victim.

After this regulation was issued, the Board was made aware that the requirements in Section 4.01, "Working Around Roof Bolting Machines," may create a safety hazard for roof bolter operators and helpers. The Board then issued a notice requesting comments from interested persons on problems created by Section 4.01. On August 15 and 16, 1984, two public hearings were held and comments were received on this section.

Based on the comments received and on testimony presented at its December 13, 1984 meeting, the Board voted to rescind the existing provisions of Section 4.01, and to promulgate new regulations governing working around roof bolting machines.

The Board made this decision based on the following findings of fact:

1. The State, Federal, and UMWA investigation reports of the fatality were in conflict over whether the victim was under unsupported roof at the time of the accident.
2. The ATRS system on the roof bolting machine had been retracted from the mine roof and the roof bolting machine was being repositioned when the rock brow fell from the roof.

The Board concluded that a hazard exists when the ATRS system is being placed against the mine roof or is being removed from the roof. This hazard exists because the pressure of the ATRS against the roof may loosen the roof rock and create the possibility of roof falls. The Board determined that in order to prevent similar accidents, all persons should be outby the last row of permanent roof supports while the ATRS is being used in a manner which increases the possibility of roof falls.

Therefore, the Board has amended Series 40 by establishing new requirements under Section 4.01, Working Around Roof Bolting Machines. These provisions require all persons to be outby the last row of permanent roof supports while the ATRS system is being placed against or removed from the roof. This requirement applies to all roof bolting machines except continuous mining machines with integral roof bolters.

#### POSTING AND REVIEW OF THE REGULATION

In accordance with West Virginia Administrative Regulation Series 24, (amended 1983), each operator shall:

1. Post the regulation for thirty (30) days, immediately upon receipt.
2. Review the regulation with all persons acting in the capacity of underground mine foremen and assistant mine foremen, during the posting period.
3. Review the regulation with all persons assigned to underground section crews, during the week following the review with the mine foremen and assistant mine foremen.

ADDITIONAL INFORMATION:

Questions and requests for copies of this regulation should be addressed  
to:

Mark A. Scott, Administrator  
Board of Coal Mine Health and Safety  
West Virginia Department of Mines  
State Capitol, Room E-151  
Charleston, WV 25305  
(304) 348-3937

MAS:te

Attachment

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 40

(1984)

SUBJECT: RULES AND REGULATIONS GOVERNING ROOF CONTROL PRACTICES

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I N D E X

RULES AND REGULATIONS GOVERNING ROOF CONTROL PRACTICES

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 40

(1984)

SUBJECT: RULES AND REGULATIONS GOVERNING ROOF CONTROL PRACTICES

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Section 1. General

1.01 Authority - These rules and regulations are issued under authority of Section 4, Article 2A, Chapter 22 of the Code.

1.02 Effective Date - These rules and regulations were promulgated on the 13th day of December, 19 84, and become effective on the 1st day of February, 19 85.

1.03 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.

Section 2. Definitions

2.01 All terms used in these rules and regulations, not defined herein, shall have the meanings set forth in Section 1, Article 1, Chapter 22 of the Code.

Section 3. Removal of Roof Hazards

3.01 Prior to or during bolting operations in working places, the person responsible for performing such work shall immediately notify a supervisor if abnormal or hazardous conditions are encountered. No further work shall be performed until a supervisor examines the area where he has been informed that

abnormal or hazardous conditions exist and directs the correction of such condition.

Section 4. Working Around Roof Bolting Machines

4.01 On all roof bolting machines except continuous mining machines with integral roof bolters, during the time that the ATRS system is being engaged against or retracted from the mine roof, all persons shall be outby the last row of permanent roof supports.

Section 5. Roof Bolting Machines - Requirements

5.01 After January 1, 1985, roof bolting machines used in seams 48 inches or higher shall be equipped with a mechanical means of holding the drill steel during drilling operations, which eliminates the need for the equipment operator to handle the drill steel. The Director of the Department of Mines may require such devices on roof bolting machines used in seams under 49 inches where the technology for such equipment to operate under these conditions is available.

5.02 Where required by the Director of the Department of Mines to insure the safety of the person operating the equipment, specified controls on roof bolting machines shall be equipped with self-centering valves.

Section 6. Equipment Canopies - Requirements

6.01 No person shall position themselves under any equipment that is controlled by a hydraulic system unless it is properly blocked or equivalent protection such as self-centering valves with check valves, stopblocks, or other measures are provided.

Section 7. Notification When Pillaring is to Begin

7.01 In mines where pillar extraction (second mining) has not been previously performed, the following requirements shall be met before pillaring is begun:

- a. The operator shall review the provisions of the approved roof control plan concerning pillar extraction with all persons to be performing such work, immediately prior to the start of such work.
- b. The operator shall notify the district inspector in whose district the mine is located five (5) working days prior to the date pillaring is to begin. When deemed necessary, the district inspector may require that he be present during the review of the approved roof control plan, provided that he can be present before pillaring is to begin.



State of West Virginia

Department of Mines

Charleston 25305

JOHN D. ROCKEFELLER, IV.  
Governor

WALTER N. MILLER  
Director

May 18, 1982

The Honorable A. James Manchin  
Secretary of the State of West  
Virginia  
State Capitol Building  
Charleston, WV 25305

Dear Secretary Manchin:

Pursuant to Chapter 22, Article 2, Section 4, of the West Virginia Code, please file the enclosed Rules and Regulations promulgated by the Board of Coal Mine Health and Safety in the appropriate State Register.

Please be advised that these Amended Rules and Regulations Governing Telephone Service of Communication Facilities will replace the existing Series 16 now in the State Register, and will become effective on the 18th of June, 1982.

Please be advised that these Rules and Regulations promulgated by the Board of Coal Mine Health and Safety are excluded from the Legislative Rule Making Committee (22-2A-4(a)).

If I can be of further service on this matter, please advise.

Yours for Mine Safety,

Walter N. Miller, Director  
West Virginia Department of Mines

WNM:te

Enclosure

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 5/18/82

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 16

SUBJECT: RULES AND REGULATIONS GOVERNING TELEPHONE SERVICE OF COMMUNICATION  
FACILITIES

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PROMULGATED  
REGULATION

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 5/18/82

I N D E X

SUBJECT: Rules and Regulations Governing Telephone Service of Communication  
Facilities

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General	Section 1
Authority	Section 1.01
Effective Date	Section 1.02
Filing Date	Section 1.03
Scope	Section 1.04
Telephone Service of Communication Facilities	Section 2

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 16

SUBJECT: RULES AND REGULATIONS GOVERNING TELEPHONE SERVICE OF COMMUNICATION FACILITIES

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Section 1. General

1.01 Authority - These rules and regulations are issued under authority of the West Virginia Code, Chapter 22, Article 2A, Section 4.

1.02 Effective Date - These rules and regulations were promulgated on the 14 day of May, 1982, and become effective on the 18th day of June, 1982.

1.03 Filing Date - These rules and regulations were filed in the office of the Secretary of State on the 18 day of May, 1982.

1.04 Scope - These rules and regulations are applicable to govern telephone service of communication facilities.

Section 2. Telephone Service of Communication Facilities

2.01 Telephone service or equivalent two-way communication facilities shall be provided in all mines at least one of which shall be in service at all times as follows:

2.02 A telephone or equivalent two-way communication facility shall be located on the surface within five hundred feet of all main portals, and shall be installed either in a building or in a box-like structure designed to pro-

protect the facilities from damage by inclement weather. At least one of these communication facilities shall be located within five hundred feet of at least one main portal where a responsible person is always on duty when men are underground so such person can hear the facility and respond immediately in event of an emergency. "Two-way communication facility" shall mean a system maintained to allow voice contact to come in and out of the working section at all times.

2.03 Telephone or equivalent two-way communication facilities provided on each working section shall be equipped with an audible or visual device and shall be located not more than five hundred feet outby the last open crosscut and not more than eight hundred feet from the farthest point of penetration of the working places on such section.

(1) The incoming communication signal shall activate an audible alarm, distinguishable from the surrounding noise level, or a visual alarm that can be seen by a miner employed on the working section. Such alarm signal, whether audible or visual, indicating an incoming telephone call shall be continuously activated until a response is received. However, such signal may be deactivated if communication is no longer desired.

(2) If a communication system other than telephones is used and its operation depends entirely upon power from the mine electric system, means shall be provided to permit continued communication in the event the mine electric power fails or is cut off; Provided, that where trolley phones and telephones are both used, an alternate source of power for the trolley phone system is not required.

(3) Telephones or equivalent two-way communication facilities shall be maintained in good operating condition at all times. In the event of any failure in the system that results in loss of communication, repairs shall be

started immediately, and the system restored to operating condition as soon as possible.

If after a reasonable time the failed system is not restored to an operating condition, all persons shall be removed from the working section, unless a trolley radio phone or its equivalent as specified in the next paragraph, is used. As used herein, a reasonable time shall be defined as such time as is required to promptly examine, after discovery of the loss of communication, the section communications line to the section branch line, and if the cause of the failure is determined during this examination, to immediately correct the same.

If trolley radio phone or its equivalent is available, it may be utilized for communications in the event of a failure in the system that results in the loss of communications provided that such trolley radio phone or its equivalent shall be located not more than 800 feet from the farthest penetration of working places on a working section with a person continually stationed with the trolley radio phone and provided further that efforts are being made to restore the communication system to an operating condition.

(4) Where required by the director, trucks used for haulage of coal, men or supplies by an operator shall be equipped with two-way communication instruments.

2.04 On or after the first day of January, one thousand nine hundred seventy-eight, unless the director for good cause grants a waiver, all such telephones or equivalent two-way communications shall be connected to regular telephonic and other means of communication available in the community so that in the event of an emergency, emergency medical attendants or other personnel can communicate from within the mine directly to health care facilities.

Such telephonic and other means of communication available in the community shall be the primary source of communication from the mine to health care facilities. The Director, at any time, upon application from the operator, may grant a waiver providing for a back-up system of communication that may be used in the event of a malfunction in the primary communication system, in order to maintain communication from the mine to health care facilities.

In the event the primary system of outside communications, and if applicable, the back-up system of communication malfunctions, so that there is no communication from the mine to the health care facilities, all employees shall be removed from the underground, unless the Director of the Department of Mines, for cause, grants a waiver.

2.05 Telephone lines and cables shall be carried on insulators installed on the opposite side of trolley wires and at least 12 inches from all other insulated power wires and at least 12 inches from all other insulated power wires and where such telephone lines or cables cross power or trolley wires, they shall be insulated adequately.

Lightning arrestors shall be provided at the points where telephone circuits enter the mine.