

FILED

1984 OCT 17 AM 10: 01

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 45

(1984)

SUBJECT: RULES AND REGULATIONS GOVERNING OPERATION OF SECTION HAULAGE
EQUIPMENT

PROMULGATED
REGULATION

I N D E X

RULES AND REGULATIONS GOVERNING OPERATION OF SECTION HAULAGE EQUIPMENT

	Page
Section 1: General	1
1.01 Authority	1
1.02 Effective Date	1
1.03 Effect of Regulations	1
Section 2: Definitions	1
Section 3: Operation of Section Haulage Equipment	1
Section 4: Cleaning and Maintenance of Equipment	2

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 45

(1984)

SUBJECT: RULES AND REGULATIONS GOVERNING OPERATION OF SECTION HAULAGE
EQUIPMENT

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 11th day of October, 1984, and become effective on the 1st day of December, 1984.

1.03 Effect of Regulations - These rules and regulations shall have the effect of law and violations shall be deemed a violation 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.

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. Operation of Section Haulage Equipment

3.01 Roadways on which section haulage equipment travels shall be maintained in a safe condition and free of hazards.

3.02 Prior to operating section haulage equipment, the equipment operator shall examine the roadway to be traveled, and shall report any hazards present to the immediate supervisor before the equipment is put into operation.

3.03 Section haulage equipment shall be operated in a safe manner, consistent with the condition of the roadway.

3.04 No person shall start a piece of self-propelled section haulage equipment until they are in the normal operating position of such equipment.

3.05 Parking brakes shall be set on all self-propelled section haulage equipment by the equipment operator before the operator leaves the normal operating position of such equipment. Where the parking brake is not provided, or where it is necessary to perform maintenance on the equipment which requires that the park brake not be set, other methods shall be used to prevent accidental movement of the equipment.

3.06 Persons operating self-propelled section haulage equipment shall see that all persons are a safe distance away from the equipment, and out of the equipment's expected path of travel, before the equipment is started.

Section 4. Cleaning of Equipment

4.01 Equipment cleaning shall not be done on self-propelled section haulage equipment, unless the power circuits on the equipment are deenergized.



State of West Virginia

Department of Mines

Charleston 25305

JOHN D. ROCKEFELLER, IV.
Governor

WALTER N. MILLER
Director

October 17, 1984

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

Dear Secretary Manchin:

Enclosed are revised rules and regulations promulgated by the Board of Coal Mine Health and Safety governing Operation of Section Haulage Equipment.

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 October 11, 1984 and become effective December 1, 1984. The regulations replace the existing Series 45 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

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE OCT. 17, 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 *MAS*

SUBJECT: Amendments to Series 45, Rules and Regulations Governing Operation
of Section Haulage Equipment

DATE: October 17, 1984

ACTION: Final rule

EFFECTIVE DATE: December 1, 1984

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:

The Board has found that a fatal accident occurred in 1984 at an underground mine where the victim was cleaning the hydraulic pump compartment on a shuttle car. The Department of Mines determined that the accident and resulting fatality occurred as a result of the pump motor on the shuttle car being started by a person standing on the mine floor in close proximity to the operator's compartment by reaching into the compartment control station and not having quick access to the stop controls to stop the car when it started moving. The car traveled approximately fifteen (15) feet and crushed the victim between the shuttle car and the mine wall.

The Board determined the following contributing factors from the investigation of the fatality:

1. Cleaning and maintenance were being done on the same piece of energized equipment at the same time.
2. The parking brake had not been set on the shuttle car.

3. The tram controls on the shuttle car were stuck in the "on" position.
4. The person operating the equipment stood outside the operator compartment to start the pump motor on the shuttle car.
5. Company practices prohibited cleaning and maintenance of the same piece of equipment at the same time; however, testimony indicated that this practice had not been properly communicated to the maintenance crew.
6. The victim misjudged her position relative to the shuttle car and stated she was in the clear when actually she was not totally in the clear.

The Board made the following conclusions of law:

1. Code 22-2-43(g) requires machine operators to keep persons away from the machine while it is operating.
2. Code 22-2-47 requires face equipment to be maintained in safe operating condition. Administrative Regulation Series 29 requires all equipment to be maintained in safe operating condition. As a result of this accident, the mine operator was issued a Notice of Violation of Code 22-2-47 because the tram controls on the shuttle car were stuck in the "on" position.
3. Code 22-2-40(17) requires that "All power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, except when necessary for trouble shooting or testing."
4. Code 22-2-40(20) requires in part that "When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected."
5. Existing state laws and regulations are inadequate to prevent a similar accident because (1) the equipment operator had complied with Code 22-2-43(g) by asking the victim twice if she was in the clear and receiving a positive response both times; however, she misjudged her location and was still in a precarious position; and (2) with the exception of Code 22-2-47 and Administrative Regulation Series 29, no state laws or regulations exist which address the contributing factors to this accident; specifically, no state regulations exist which (a) require that persons start equipment from the normal operation position only; (b) require that park brakes are set before equipment is left unattended; (c) require that persons are kept away from equipment when it is started up; and (d) require that cleaning be done on equipment only when the power circuits are deenergized.

Therefore, the Board has issued the following amendments to Series 45 to address these hazards. These regulations, which are designated Sections 3.04, 3.05, 3.06, and 4.01, establish the following new requirements for self-propelled section haulage equipment.

Regulations Governing Operation of Section Haulage Equipment

1. Require equipment to be started from the normal operating position only. (Section 3.04)
2. Require parking brakes to be set before equipment is left unattended. (Section 3.05)
3. Require persons to be away from equipment when it is started up. (Section 3.06)
4. Prohibit cleaning of energized equipment.

POSTING AND REVIEW OF THE REGULATION

In accordance with WV Administrative Regulation Series 30 (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, and with all equipment cleaning and maintenance 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-153
Charleston, West Virginia 25305
(304) 348-3937

Attachment

MAS/dao