

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2010 JAN 26 PM 12:28

OFFICE OF THE
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

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

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

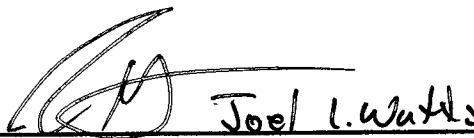
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 49

TITLE OF RULE BEING PROPOSED: RULES AND REGULATIONS GOVERNING LIGHTS AND REFLECTORS
ON EQUIPMENT USED ON HAULWAYS IN UNDERGROUND COAL
MINES

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 25 February AT 5:00pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Board of Coal Mine Health and Safety
1615 Washington Street East
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

1615 Washington Street, E. • Charleston, West Virginia 25311 • Telephone 304-558-1425 • Fax 304-558-6091

PROPOSED REGULATIONS

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

From: Joel L. Watts, Administrator – BCMH&S

Subject: **RULES AND REGULATIONS GOVERNING LIGHTS AND REFLECTORS ON EQUIPMENT USED ON HAULWAYS IN UNDERGROUND COAL MINES**, Title 36, Section 49

Date: 26 January 2010

End Date for Comments: 25 February 2010

Authority: §22.6.4

The Board of Coal Mine Health and Safety is posting a proposed regulation regarding the lights and reflectors on equipment used on haulways in underground coal mines. This will be a new rule. As a result of a fatal, the Director of the Office of Miner's Health, Safety and Training asked the Board of Coal Mine Health and Safety to consider increasing the safety requirements according to 22A-2-10. This proposed rule is a result of the Director's request.

You may send all written comments to

1615 Washington Street East
Charleston, WV 25311

All comments must be post-marked by February 25th in order to be accepted by the Board for consideration.

FILED

2010 JAN 26 PM 12: 29

OFFICE OF THE SECRETARY OF STATE

36 CSR 49
TITLE 36
LEGISLATIVE RULES
BOARD OF COAL MINE HEALTH AND SAFETY

SERIES 49
RULES AND REGULATIONS GOVERNING LIGHTS AND REFLECTORS ON
EQUIPMENT USED ON HAULWAYS IN UNDERGROUND COAL MINES

§ 36-49-1. General.

1.1 Scope. To increase the safety on trips and trains on haulways underground coal mines in regards to lights and reflectors.

1.2 Authority. W. Va. Code §§ 22A-6-1 *et seq.*

1.3 Filing Date. _____

1.4 Effective Date. _____

§ 36-49-2. Effect of Law and Regulations.

(a) These 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.

§ 36-49-3. Requirement for Lights and Reflectors

(a) On all haulways, where hauling is done by machinery of any kind, the mine foreman shall provide for a proper system of signals, and a conspicuous light of trip reflector on the rear of every trip or train, when in motion or when parked.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: RULES AND REGULATIONS GOVERNING LIGHTS AND REFLECTORS ON EQUIPMENT USED ON HAULWAYS IN UNDERGROUND COAL MINES

Type of Rule: Legislative Interpretive Procedural

Agency: Board of Coal Mine Health and Safety

Address: 1615 Washington Street East Charleston, WV 25311

Phone Number: 304.957.2306 Email: jwatts@suddenlink.net

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

N/A

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets		0.00	0.00
Other	0.00	0.00	
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: RULES AND REGULATIONS GOVERNING LIGHTS AND REFLECTORS ON

- 3. Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: _____

Signature of Agency Head or Authorized Representative
