

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

Form #2

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2010 APR 22 PM 2:13

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: WV 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: \_\_\_\_\_

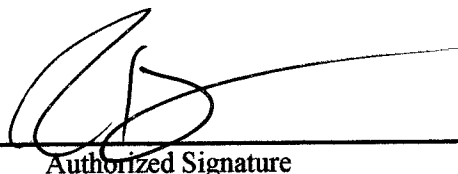
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 51

TITLE OF RULE BEING PROPOSED: Accessible outlets; safe roadways for emergencies; accessibility of first aid equipment; use of special capsule for removal of personnel, escapeway maps and drills

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 May 28 AT 5pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

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



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## **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

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### **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: **Accessible outlets; safe roadways for emergencies; accessibility of first aid equipment; use of special capsule for removal of personnel, escapeway maps and drills. Title 36, Section 51**

Date: 22 April 2010

End Date for Comments: 28 May 2010

Authority: §22.6.4

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The Board of Coal Mine Health and Safety is posting a proposed regulation which amends the current statute into regulatory format to increase the degree of safety. This is a new rule requiring escapeway maps and drills.

You may send all written comments to

1615 Washington Street East  
Charleston, WV 25311

All comments must be post-marked by 28 May in order to be accepted by the Board for consideration.

**Title 36**  
**Legislative Rules**  
**Board of Coal Mine Health and Safety**

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**Series 51**

**Accessible outlets; safe roadways for emergencies; accessibility of first aid equipment; use of special capsule for removal of personnel, escapeway maps and drills**

**§36-51-1. General.**

1.1 Scope: Rules and Regulations Governing Underground Coal Mines in the State of West Virginia

1.2 Authority. W. Va. Code 22A-6-4

1.3 Filing Date.

1.4 Effective Date.

**§36-51-2. Accessible outlets; safe roadways for emergencies; accessibility of first aid equipment; use of special capsule for removal of personnel, escapeway maps and drills.**

(a) No operator or mine foreman of any coal mine shall employ any person to work in such mine, or permit any persons to be in the mine for the purpose of working therein unless they are provided with two openings or outlets to each seam, separated by natural strata, such openings to be not less than three hundred feet apart, if the mine be worked by shaft; if the mine be worked by shaft and slope, such openings shall be separated by one hundred feet of natural strata; and not less than fifty feet apart at the outlets, if worked by slope or drift; but this requirement of a distance of three hundred feet between openings or outlets to shaft mines shall not apply where such openings or outlets have been made prior to the first day of July, one thousand nine hundred seventy-one.

(b) At least two separate and distinct travelable passageways designated as escapeways shall be maintained to ensure passage at all times to any person, including disabled persons. The escapeway openings to the surface shall be separated in such manner as shall be prescribed by the director If at

least two escapeways are not available for any reason, all miners in the affected area other than those requisite to remedy the situation shall be withdrawn from the affected area until such time as the escapeway is made passable. Where the height of the coal bed is more than five feet, the escapeways shall be maintained at a height of at least five feet excluding necessary roof support, and the travelway in such escapeway shall be maintained at a width of at least six feet, excluding necessary roof support and in those situations where the height of the coal bed is less than five feet the escapeway should be maintained to the height of the coal bed excluding any necessary roof support, and the travelway in such escapeway shall be maintained at a width of at least six feet. At least one escapeway ventilated with intake air, maintained to the last open crosscut, shall be provided from each working section continuously to the nearest available opening on the surface, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground area of the mine of floodwater. Escape facilities approved by the director, properly maintained and frequently tested, shall be present at or in each escape shaft or slope to allow all persons, including disabled persons, to escape quickly to the surface in event of an emergency. Return airways entries designated as escapeways shall be provided with permissible two-way communication systems to the surface, and such systems shall be located at points not to exceed every four thousand feet. On or after the first day of April, one thousand nine hundred seventy-eight, each operator shall provide *lifeline* cords, with reflective material at twenty-five foot intervals, from the last open crosscut to the surface along a designated escapeway ventilated by return air. **Provided,** That in case of a shaft mine such lifeline cords shall extend from the last open crosscut to the bottom of the designated escape shaft. Such lifeline cord *shall be of durable construction sufficient to allow miners to see and to use effectively to guide themselves out of the mine in the event of an emergency.*

(c) Escapeways shall be inspected and traveled at least once each week by a certified mine examiner who shall place his initials and the date in a conspicuous place or places and who shall file a written report thereon which shall be kept on the surface.

(d) When new coal mines are opened, not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such connections shall be made as soon as possible.

(e) When only one opening is available because of final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, and the distance between the mine opening and working face shall not exceed five hundred feet.

(f) First-aid materials and such other equipment as the director may require shall be maintained within five hundred feet of each area in which miners are regularly working to which they may have access in case of an emergency and for protection against hazards.

(g) Each working area of the mine not serviced by track-mounted or rubber-tired vehicles which uses conveyor belts for removal of coal shall be equipped with a special capsule in which an injured person can be placed and transported on the belt to the surface or to other transportation facilities.

The

director shall within nine months of the eighth day of July, one thousand nine hundred seventy-seven, promulgate standards and guidelines, or allow to continue in effect any present standards and guidelines, as to what such "special capsule" as used in this subsection shall include. Each section of the mine using or serviced by track-mounted or rubber-tired equipment shall have readily available a vehicle which can be used to promptly remove a person in case of injury.

(h) A map shall be posted or readily accessible to all miners in each working section, and in each area where mechanized mining equipment is being installed or removed. The map shall show the designated escapeways from the working section to the location where miners must travel to satisfy the escapeway drill specified in paragraph (j) of this section. A map showing the main escapeways shall be posted at a surface location of the mine where miners congregate, such as at the mine bulletin board, bathhouse, or waiting room. All maps shall be kept up to date, and any changes in route of travel locations of doors, or directions of airflow shall be shown on the maps by the end of shift on which the changes are made, and affected miners shall be informed of the changes before entering the underground areas of the mine.

(i) At least once every 90 days, each miner, including miners with working stations located between working sections and main escapeways, shall participate in a practice escapeway drill. During this drill, each miner shall travel the primary or alternate escapeway from the miner's working section or area where mechanized mining equipment is being installed or removed, to the area where the split of air ventilating the working section intersects a main air course, or 2,000 feet outby the section loading point, whichever distance is greater. Other miners shall participate in the escapeway drill by traveling in the primary or alternate escapeway for a distance of 2,000 feet from their working station toward the nearest escape facility or drift opening. An escapeway drill shall not be conducted in the same escapeway as the immediately preceding drill.

(j) At least once every 6 weeks and for each shift at least two miners on each coal producing working section who work on that section, accompanied by the section supervisor, shall participate in a

practice escape drill and shall travel the primary or alternate escapeway from the location specified in paragraph (i) of this section, to the surface, to mechanical escape facilities, or to an underground entrance to a shaft or slope to the surface. Systematic rotation of section personnel shall be used so that all miners participate in this drill. An escapeway drill shall not be conducted in the same escapeway as the immediately preceding drill.

(k) At least once every 6 weeks; at least two miners on each maintenance shift and a supervisor shall participate in a practice escape drill and shall travel the primary or alternate escapeway from the location specified in paragraph (i) of this section, to the surface, to mechanical escape facilities, or to an underground entrance to a shaft or slope to the surface. Systematic rotation of maintenance personnel and working sections be used so that all miners participate in this drill and the escapeways from all sections are traveled. An escapeway drill shall not be conducted in the same escapeway as the immediately preceding drill.

(l) Before or during practice escapeway drills, miners shall be informed of the locations of fire doors, check curtains, changes in the routes of travel, and plans for diverting smoke from escapeways:

**Title 36**  
**Legislative Rules**  
**Board of Coal Mine Health and Safety**

**Series 51**

**Accessible outlets; safe roadways for emergencies; accessibility of first aid equipment; use of special capsule for removal of personnel, escapeway maps and drills**

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(c) Escapeways shall be inspected and traveled at least once each week by a certified mine examiner who shall place his initials and the date in a conspicuous place or places and who shall file a written report thereon which shall be kept on the surface.

(d) When new coal mines are opened, not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such connections shall be made as soon as possible.

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(f) First-aid materials and such other equipment as the director may require shall be maintained within five hundred feet of each area in which miners are regularly working to which they may have access in case of an emergency and for protection against hazards.

(g) Each working area of the mine not serviced by track-mounted or rubber-tired vehicles which uses conveyor belts for removal of coal shall be equipped with a special capsule in which an injured person can be placed and transported on the belt to the surface or to other transportation facilities.

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APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Accessible outlets; safe roadways for emergencies; accessibility of first aid equipment; use of special capsule for removal of personnel, escapeway maps and drills

Type of Rule:  Legislative  Interpretive  Procedural

Agency: WV Board of Coal Mine Health and Safety

Address: 1615 Washington Street East  
Charleston, WV 25311

Phone Number: 3049572306 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.

**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.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	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	0.00
Other	0.00	0.00	0.00
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

Rule Title: \_\_\_\_\_

Rule Title: Accessible outlets; safe roadways for emergencies; accessibility of first aid

**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: 04/22/2010

Signature of Agency Head or Authorized Representative

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