



# *State of West Virginia*

**Jim Justice, Governor**

**WV Office of Miners' Health, Safety & Training**

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## **MEMORANDUM**

DATE: May 18, 2017

RE: Implementation of WV Code State Rules Title 36, Series 57

WV Code State Rules 36-57-6 Requirements for Section Haulage Equipment

6.1 By July 1, 2017, scoops, diesel powered equipment, and other battery powered section haulage equipment operating inby the section loading point not provided with compatible proximity detection systems shall at a minimum:

- (a) Employ cameras; or
- (b) Be equipped with other alternatives as recommended by the West Virginia Board of Coal Mine Health and Safety and approved by the Director that provide warnings to equipment operator and or persons who are traveling in the area.

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On May 11, 2017, the West Virginia Board of Coal Mine Health and Safety (Board) met to discuss implementation of the above subsection. It was the vote of the Board to extend the deadline for compliance found in subsection 6.1 from July 1, 2017 to September 1, 2017.

The West Virginia Office of Miners' Health, Safety and Training (WVOMHST) is working with the Board to facilitate implementation of WV Code State Regulation 36-57-6 and anticipates in the near future the Board's filing of the necessary amendment to the rule extending the deadline for compliance to September 1, 2017.

The above notwithstanding, if the Board is unable to promulgate this amendment to the rule, it is the position of WVOMHST that, on or after July 1, 2017, if the above identified equipment is operated inby the section loading point it must have either a proximity detection system or a camera. If neither is present, than a violation will be issued and the equipment will not be allowed to operate until such time as the required proximity detection system or camera is installed and operational.

In the event the Board does amend the rule and extends the deadline for compliance to September 1, 2017, the WVOMHST will begin enforcement as detailed in the preceding paragraph effective as of that date.