



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-05

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Rule Governing Telephone Service or
Communications Facilities

CITE STATUTORY AUTHORITY: W. Va. Code §22A-6-4 and 22A-6-5

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 27, 2021

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

**Jack M Rife -- By my signature, I certify that I am the person authorized to file
legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

TITLE 36
LEGISLATIVE EXEMPT RULE
BOARD OF COAL MINE HEALTH AND SAFETY

SERIES 5
RULE GOVERNING TELEPHONE SERVICE
OR COMMUNICATION FACILITIES

§36-5-1. General.

1.1. Scope. -- This rule establishes requirements for the location and maintenance of telephone service or communication facilities in underground mines.

1.2. Authority. -- W. Va. Code §§22A-6-4 and 22A-6-5.

1.3. Filing Date. -- February 25, 2021.

1.4. Effective Date. -- March 27, 2021.

§36-5-2. Telephone Service or Communication Facilities.

2.1. 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:

2.1.1. A telephone or equivalent two-way communication facility shall be located on the surface within five (500) hundred feet of all main portals, and shall be installed either in a building or in a boxlike structure designed to protect the facilities from damage by inclement weather.

2.1.2. At least one of these communication facilities shall be located within five (500) hundred feet of at least one main portal where a responsible person is always on duty when personnel are underground so such person can hear the facility and respond immediately in event of an emergency.

2.2. "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.

2.3. 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 (500) hundred feet outby the last open crosscut and not more than eight hundred (800) feet from the farthest point of penetration of the working places on such section.

2.3.1. 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 communicated is no longer desired.

2.3.2. 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.

2.3.3. 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.

2.3.4. 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 Subsection 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.

2.3.5. If a 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 eight hundred (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.

2.3.6. Where required by the Director, trucks used for haulage of coal, personnel or supplies by an operator shall be equipped with two-way communication instruments.

2.4. 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.

2.5. 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.

2.6. In the event the primary system of outside communication and, if applicable, the back-up system of communication malfunction, 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, for cause, grants a waiver.

2.7. Telephone lines and cables shall be carried on insulators installed on the opposite side of trolley wires and at least twelve (12) inches from all other insulated power wires other than those classified as Class two (2) or Class three (3) circuits by the National Electric Code, and where such telephone lines or cables cross power or trolley wires, they shall be insulated adequately.

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