



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-60

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

RULE NAME: Rules and Regulations Governing Equipment and Operations for Open-Pit Mines, the Surface of Underground Mines, Preparation Plants and Loadouts

CITE STATUTORY AUTHORITY: W. Va. Code §§ 22A-6-4, 22A-6-5, 22A-4-2

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/24/2025 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Emily Rector

ADDRESS: 1900 Kanawha Boulevard East, Building 3, Suite 800
Charleston, WV 25305

EMAIL: emily.m.rector@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Creates safety requirements for open-pit mines and the surface of underground mines such as requirements for equipment preparation and maintenance and wearing reflective materials.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

This rule imposes additional safety requirements on open-pit mine operations and the surface of underground mines for preparing or maintaining equipment and for wearing reflective material. This is required to increase the safety of working in open-pit mines.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2025 Increase/Decrease (use "-")	2026 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

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

Yes

Emily Rector -- 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 & Safety

Series 60
Rules and Regulations Governing Equipment and Operations for Open-Pit Mines, the Surface of
Underground Mines, Preparation Plants and Loadouts

§36-60-1. General.

1.1. Scope. -- Rule governing equipment requirements and operations for open-pit mines, the surface of underground mines, preparation plants and loadouts.

1.2. Authority. -- W. Va. Code §§ 22A-6-4, 22A-6-5, 22A-4-2.

1.3. Filing Date. --

1.4. Effective Date. -- To be determined after notice and comment period.

§36-60-2. Effect of Rule.

2.1. This rule shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect as law. All provisions of W. Va. Code § 22A-1-1 et seq. relative to enforcement are applicable to the enforcement of this rule.

§36-60-3. Definitions.

3.1. All terms used in this rule, not defined herein, shall have the meanings set forth in W. Va. Code §§ 22A-1-2, 22A-4-1.

§36-60-4. General Requirements.

4.1. The following requirements apply to equipment and operations in open-pit mines, surface of underground mines, preparation plants and loadouts:

4.1.1. When maintenance is being performed in an area other than a designated maintenance area, the operator is required to:

4.1.1.a. Develop a safety zone around the equipment 10 ft. from the furthest point the equipment could reach. This safety zone may implement the use of physical barriers such as road cones, signage, flashing strobes or any combination of those or other devices that would clearly identify the safety zone.

4.1.1.b. Limit the personnel in that area except those needed to perform the task.

4.1.1.c. Require that all people working in that area have a two-way radio.

4.1.1.d. Require that between the time 30 minutes before sunset to 30 minutes after sunrise, all personnel working in the area must have a cap light or strobe light on.

4.1.2. All personnel while out of equipment must wear reflective material that can be seen from all directions on the outermost garment from the waist up.