

No. 2183

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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## ENROLLED

HOUSE BILL No. 2183

(By ~~MR~~ Delegate Schifano + Delegate Dameron)

— ● —

Passed March 8, 1986

In Effect from Passage

**ENROLLED**  
**H. B. 2183**

(By DELEGATE SCHIFANO and DELEGATE DAMRON)

[Passed March 8, 1986; in effect from passage.]

AN ACT to amend and reenact section one, article five, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend article six of said chapter by adding thereto a new section, designated section four-c; to amend and reenact sections four, five, thirty-seven, thirty-nine, forty-two, forty-three, forty-six, forty-nine and fifty-three-a, article two, chapter twenty-two-a of said code; and to further amend said article two by adding thereto two new sections, designated sections fifty-three-b and fifty-three-c, all relating to coal mine health and safety; chairman of board of appeals required to subpoena witnesses; witnesses to receive daily witness fee, plus reasonable expenses in lieu of any lost wages; establishing a state coal mine safety and technical review committee and providing the purposes thereof; providing for appointment of members; terms and compensation; committee meetings; authority of committee to accept and make recommendations on requests for site-specific rule making and make recommendation on an industry-wide basis; relating to the powers and duties of the board of coal mine health and safety to promulgate regulations in accordance with recommendations made by the committee and the effect of such regulations; ventilation of mines and requiring an operator to provide safety committee with access to anonometers and smoke tubes; increasing distance

between cross cuts for air; requiring that check curtains be substantially constructed of translucent material or have a window of such material; allowing director to authorize variances or waivers for ventilation and shelter holes; allowing a dispatcher to also serve as the responsible person and perform other duties; requiring self-propelled track haulage equipment to have certain equipment for de-energizing traction; requiring belt conveyors to be inspected by a certified belt examiner, mine foreman-fire boss or assistant mine foreman-fire boss and specifying when inspections must be made; recording inspections; requiring the board of miner training and certification to establish criteria and standards for the training, examination and certification of "belt examiners" and specifying minimum requirements therefor; prohibiting persons from performing work within the confines of the cargo space of a crusher or feeder unless it has been de-energized and locked out; telephone service and communication facilities; specifying permissible percentage of methane, specifying approved apparatus for propane torches and other requirements for welding and cutting; required voltage on battery powered equipment; manually operated valves and levers; dropping and coupling of railroad cars; access roads; inspections of mobile surface loading and haulage equipment; provision of safety equipment for prevention of falling; haulage on surface areas; traffic directions and warning signs on roads; construction and maintenance of haulage roads; ramp, tipples, cleaning plants and other surface areas; surface installations generally; machinery guards; fire protection; repairs of machinery; stairs and platforms; conveyors and crossovers; ladders; hoisting; and railroad track construction and maintenance.

*Be it enacted by the Legislature of West Virginia:*

That section one, article five, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that article six of said chapter be amended by adding thereto a new section, designated section four-c; that sections four, five, thirty-seven, thirty-nine, forty-two, forty-three, forty-six, forty-nine and

fifty-three-a, article two, chapter twenty-two-a of said code be amended and reenacted; and that said article two be further amended by adding thereto two new sections, designated sections fifty-three-b and fifty-three-c, all to read as follows:

## CHAPTER 22. ENERGY

### ARTICLE 5. BOARD OF APPEALS.

#### §22-5-1. Board of appeals.

1       There is hereby continued a board of appeals, consist-  
2       ing of three members. Two members of the board shall  
3       be appointed by the governor, one person who by reason  
4       of previous training and experience may reasonably be  
5       said to represent the viewpoint of miners, and one  
6       person who by reason of previous training and  
7       experience may reasonably be said to represent the  
8       viewpoint of the operators. The third person, who shall  
9       be chairman of the board, and who must not have had  
10       any connection at any time with the coal industry or an  
11       organization representing miners, shall be selected by  
12       the two members appointed by the governor. The term  
13       of office of members of the board shall be five years.

14       The function and duties of the board shall be to hear  
15       appeals, make determinations on questions of miners'  
16       entitlements due to withdrawal orders and appeals from  
17       discharge or discrimination, and suspension of certifica-  
18       tion certificates.

19       The chairman of the board shall have the power to  
20       administer oaths and subpoena witnesses and require  
21       production of any books, papers, records or other  
22       documents relevant or material to the appeal inquiry.

23       The chairman shall subpoena any witness requested  
24       by a party to a hearing to testify or produce books,  
25       records or documents. Any witness responding to a  
26       subpoena so issued shall receive a daily witness fee to  
27       be paid out of the state treasury upon a requisition of  
28       the state auditor equivalent to the rate of pay under the  
29       wage agreement currently in effect plus all reasonable  
30       expenses for meals, lodging and travel at the rate  
31       applicable to state employees. Any full payments as  
32       hereinbefore specified shall be in full and exclusive

33 payment for meals, lodging, actual travel and similar  
34 expenses and shall be made in lieu of any lost wages  
35 occasioned by such appearance in connection with any  
36 hearing conducted by the board.

37 Each member of the board shall receive one hundred  
38 dollars per diem while actually engaged in the perfor-  
39 mance of the work of the board. Each member shall be  
40 reimbursed for all reasonable and necessary expenses  
41 actually incurred during the performance of their  
42 duties. Each member shall receive mileage expense  
43 reimbursement at the rate established by rule and  
44 regulation of the commissioner of the department of  
45 finance and administration for in-state travel of public  
46 employees. No reimbursement for expenses shall be  
47 made except upon an itemized account, properly  
48 certified by such members of the board. All reimbur-  
49 sement for expenses shall be paid out of the state  
50 treasury upon a requisition upon the state auditor.

51 Board members, before performing any duty, shall  
52 take and subscribe to the oath required by section five,  
53 article IV, of the constitution of West Virginia.

#### ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.

**§22-6-4c. Coal mine safety and technical review commit-  
tee; membership; method of nomination and  
appointment; meetings; quorum; powers and  
duties of the committee; powers and duties of  
the board of coal mine health and safety.**

1 (1) There is hereby established a state coal mine safety  
2 and technical review committee. The purposes of this  
3 committee are to:

4 (a) Assist the board of coal mine health and safety in  
5 the development of technical data relating to mine  
6 safety issues, including related mining technology;

7 (b) Provide suggestions and technical data to the  
8 board and propose rules and regulations with general  
9 mining industry application;

10 (c) Accept and consider petitions submitted by  
11 individual mine operators or miners seeking site-specific

12 rule-making pertaining to individual mines and make  
13 recommendations to the board concerning such rule-  
14 making; and

15 (d) Provide a forum for the resolution of technical  
16 issues encountered by the board.

17 (2) The committee shall consist of two members who  
18 shall be residents of this state, and who shall be  
19 appointed as hereinafter specified in this section:

20 (a) The governor shall appoint one member to repres-  
21 ent the viewpoint of the coal operators in this state from  
22 a list containing one or more nominees submitted by the  
23 major trade association representing coal operators in  
24 this state within thirty days of submission of such  
25 nominee or nominees.

26 (b) The governor shall appoint one member to  
27 represent the viewpoint of the working miners of this  
28 state from a list containing one or more nominees  
29 submitted by the highest ranking official within the  
30 major employee organization representing coal mines  
31 within this state within thirty days of submission of the  
32 nominee or the nominees.

33 (c) The members appointed in accordance with the  
34 provisions of subdivision (a) and (b) of this subsection  
35 shall be initially appointed to serve a term of three  
36 years.

37 (d) The members appointed in accordance with the  
38 provision of subdivisions (a) and (b) of this subsection  
39 may be, but are not required to be, members of the  
40 board of coal mine health and safety, and shall be  
41 compensated on a per diem basis in the same amount  
42 as provided in section seven of this article, plus all  
43 reasonable expenses.

44 (3) The committee shall meet at least once during each  
45 calendar month, or more often as may be necessary.

46 (4) A quorum of the committee shall require both  
47 members, and the committee may only act officially by  
48 a quorum.

49 (5) The committee may review any matter relative to

50 mine safety and mining technology, and may pursue  
51 development and resolution of issues related thereto.  
52 The committee may make recommendations to the  
53 board for the promulgation of rules and regulations with  
54 general mining industry application. Upon receipt of a  
55 unanimous recommendation for rule-making from the  
56 committee and only thereon, the board may adopt or  
57 reject such rule or regulations, without modification  
58 except as approved by the committee: *Provided*, That  
59 any adopted rule or regulation shall not reduce or  
60 compromise the level of safety or protection below the  
61 level of safety or protection afforded by applicable  
62 statutes and regulations. When so promulgated, such  
63 rules or regulations shall be effective, notwithstanding  
64 the provisions of applicable statutes or regulations.

65 (6) (a) Upon application of a coal mine operator, or on  
66 its own motion, the committee has the authority to  
67 accept requests for site-specific rule-making on a mine-  
68 by-mine basis, and make unanimous recommendations  
69 to the board for site-specific rules and regulations  
70 thereon. The committee has authority to approve a  
71 request if it concludes that the request does not reduce  
72 or compromise the level of safety or protection afforded  
73 miners below the level of safety or protection afforded  
74 by any applicable statutes or regulations. Upon receipt  
75 of a request for site-specific rule-making, the committee  
76 may conduct an investigation of the conditions in the  
77 specific mine in question, which investigation shall  
78 include consultation with the mine operator and  
79 authorized representatives of the miners. Such  
80 authorized representatives of the miners shall include  
81 any person designated by the employees at the mine,  
82 persons employed by an employee organization repres-  
83 enting one or more miners at the mine, or a person  
84 designated as a representative by one or more persons  
85 at the mine.

86 (b) If the committee determines to recommend a  
87 request made pursuant to subdivision (1), of this  
88 subsection, the committee shall provide the results of its  
89 investigation to the board of coal mine health and safety  
90 along with recommendations for the development of the

91 site-specific rules and regulations applicable to the  
92 individual mine, which recommendations may include a  
93 written proposal containing draft rules and regulations.

94 (c) Within thirty days of receipt of the committee's  
95 recommendation, the board shall adopt or reject,  
96 without modification, except as approved by the  
97 committee, the committee's recommendation to promul-  
98 gate site-specific regulations applicable to an individual  
99 mine, adopting such site-specific regulations only if it  
100 determines that the application of the requested rule to  
101 such mine will not reduce or compromise the level of  
102 safety or protection afforded miners below that level of  
103 safety or protection afforded by any applicable statutes  
104 or regulations. When so promulgated, such rules or  
105 regulations shall be effective notwithstanding the  
106 provisions of applicable statutes or regulations.

107 (7) The board shall consider all regulations proposed  
108 by the coal mine safety and technical review committee  
109 and adopt or reject, without modification, except as  
110 approved by the committee, such rules and regulations,  
111 dispensing with the preliminary procedures set forth in  
112 subdivisions (1) through (7), subsection (a), section four-  
113 a; and, in addition, with respect to site-specific regula-  
114 tions also dispensing with the procedures set forth in  
115 subdivisions (4) through (8), subsection (c), section four  
116 of this article.

117 (8) In performing its functions, the committee shall  
118 have access to the services of the coal mine health and  
119 safety administrator appointed under section four-b of  
120 this article. The commissioner shall make clerical  
121 support and assistance available in order that the  
122 committee can carry out its duties. Upon the request of  
123 both members of the committee, the health and safety  
124 administrator shall draft proposed regulations and  
125 reports or make investigations.

126 (9) The powers and duties provided for in this section  
127 for the committee are not intended to replace or  
128 precondition the authority of the board of coal mine  
129 health and safety to act in accordance with sections one  
130 through four-b and five through seven of this article.



**CHAPTER 22A. MINES AND MINERALS.****ARTICLE 2. UNDERGROUND MINES.****§22A-2-4. Ventilation of mines in general.**

1 (a) The operator or mine foreman of every coal mine,  
2 whether worked by shaft, slope or drift, shall provide  
3 and hereafter maintain for every such mine adequate  
4 ventilation. In all mines the quantity of air passing  
5 through the last open crosscut between the intake and  
6 return in any pair or set of entries shall be not less than  
7 nine thousand cubic feet of air per minute and as much  
8 more as is necessary to dilute and render harmless and  
9 carry away flammable and harmful gases. All working  
10 faces in a working section between the intake and return  
11 airway entries shall be ventilated with a minimum  
12 quantity of three thousand cubic feet of air per minute  
13 and as much more as is necessary to dilute and render  
14 harmless and carry away flammable and harmful gases.  
15 The quantity of air reaching the last crosscut in pillar  
16 sections may be less than nine thousand cubic feet of air  
17 per minute if at least nine thousand cubic feet of air per  
18 minute is being delivered to the intake of the pillar line.  
19 The air current shall under any conditions have a  
20 sufficient volume and velocity to reduce and carry away  
21 smoke from blasting and any flammable or harmful  
22 gases. The operator shall provide to the safety commit-  
23 tee access to anonometers and smoke tubes while  
24 performing their duties. All active underground work-  
25 ing places in a mine shall be ventilated by a current of  
26 air containing not less than nineteen and five-tenths  
27 percent of oxygen, not more than five-tenths percent of  
28 carbon dioxide, and no harmful quantities of other  
29 noxious or poisonous gases.

30 (b) Airflow shall be maintained in all intake and  
31 return air courses of a mine, and where multiple fans  
32 are used, neutral areas created by pressure equalization  
33 between main fans shall not be permitted. Production  
34 activities in working faces shall cease while tubing, line  
35 brattice, or other ventilation devices are being installed  
36 inby the machine operator.

37 (c) Properly installed and adequately maintained line

38 brattice or other approved devices shall be continuously  
39 used from the last open crosscut of an entry or room of  
40 each working section to provide adequate ventilation to  
41 the working faces for the miners and to remove  
42 flammable, explosive and noxious gases, dust and  
43 explosive fumes. When damaged by falls or otherwise,  
44 such line brattice or other devices shall be repaired  
45 immediately.

46 (d) Brattice cloth used underground shall be of flame-  
47 resistant material. The space between the line brattice  
48 or other approved device and the rib shall be large  
49 enough to permit the flow of a sufficient volume and  
50 velocity of air to keep the working face clear of  
51 flammable, explosive and noxious gases, dust and  
52 explosive fumes.

53 (e) Each working unit newly developed in virgin coal  
54 hereafter, shall be ventilated by a separate split of air:  
55 *Provided*, That in areas already under developmmment  
56 and in areas where physical conditions prevent com-  
57 pliance with this provision, the director may grant  
58 temporary relief from compliance until such time as  
59 physical conditions make compliance possible. The  
60 quantity of air reaching the last crosscut shall not be  
61 less than nine thousand cubic feet of air per minute and  
62 shall under any condition have sufficient volume and  
63 velocity to reduce and carry away smoke and flammable  
64 or harmful gases from each working face in the section.

65 (f) As working places advance, crosscuts for air shall  
66 be made not more than one-hundred-five feet apart.  
67 Where necessary to render harmless and carry away  
68 noxious or flammable gases, line brattice or other  
69 approved methods of ventilation shall be used so as to  
70 properly ventilate the face. All crosscuts between the  
71 main intake and return airways not required for  
72 passage of air and equipment shall be closed with  
73 stoppings substantially built with incombustible or fire-  
74 resistant material so as to keep working places well  
75 ventilated. In mines where it becomes necessary to  
76 provide larger pillars for adequate roof support,  
77 working places shall not be driven more than two  
78 hundred feet without providing a connection that will

79 allow the free flow of air currents. In such cases, a  
80 minimum of twelve thousand cubic feet of air a minute  
81 shall be delivered to the last open crosscut and as much  
82 more as is necessary to dilute and render harmless and  
83 carry away flammable and noxious gases.

84 (g) In special instances for the construction of  
85 sidetracks, haulageways, airways, or openings in shaft  
86 bottom or slope bottom layouts where the size and  
87 strength of pillars is important, the director may issue  
88 a permit approving greater distances. The permit shall  
89 specify the conditions under which such places may be  
90 driven.

91 (h) In all mines a system of bleeder openings on air  
92 courses designed to provide positive movement of air  
93 through and/or around abandoned or caved areas,  
94 sufficient to prevent dangerous accumulation of gas in  
95 such areas and to minimize the effect of variations in  
96 atmospheric pressure shall be made a part of pillar  
97 recovery plans projected after the first day of July, one  
98 thousand nine hundred seventy-one.

99 (i) If a bleeder return is closed as a result of roof falls  
100 or water during pillar recovery operations, pillar  
101 operations may continue without reopening the bleeder  
102 return if at least twenty thousand cubic feet of air per  
103 minute is delivered to the intake of the pillar line.

104 (j) No operator or mine foreman shall permit any  
105 person to work where he is unable to maintain the  
106 quantity and quality of the air current as heretofore  
107 required: *Provided*, That such provisions shall not  
108 prohibit the employment of men to make the place of  
109 employment safe.

110 (k) The ventilation of any mine shall be so arranged  
111 by means of air locks, overcasts, or undercasts, that the  
112 use of doors on passageways where men or equipment  
113 travel may be kept to a minimum. Where doors are used  
114 in a mine they shall be erected in pairs so as to provide  
115 a ventilated air lock unless the doors are operated  
116 mechanically.

117 (l) A crosscut shall be provided at or near the face of

118 each entry or room before such places are abandoned.

119 (m) Overcasts or undercasts shall be constructed of  
120 incombustible material and maintained in good  
121 condition.

122 (n) After the first day of January, one thousand nine  
123 hundred eighty-seven, all run through check curtains  
124 shall be substantially constructed of translucent mate-  
125 rial, except that where belting material has to be used  
126 because of high velocity, there shall be a window of  
127 translucent material at least thirty inches square or one  
128 half the height of the coal seam, whichever is less.

**§22A-2-5. Unused and abandoned parts of mine.**

1 (a) In any mine, all workings which are abandoned  
2 after the first day of July, one thousand nine hundred  
3 seventy-one, shall be sealed or ventilated. If such  
4 workings are sealed, the sealing shall be done with  
5 incombustible material in a manner prescribed by the  
6 director, and one or more of the seals of every sealed  
7 area shall be fitted with a pipe and cap or valve to  
8 permit the sampling of gases and measuring of hydros-  
9 tatic pressure behind the seals. For the purpose of this  
10 section, working within a panel shall not be deemed to  
11 be abandoned until such panel is abandoned.

12 (b) Air that has passed through an abandoned area or  
13 an area which is inaccessible or unsafe for inspection  
14 shall not be used to ventilate any working place in any  
15 working mine, unless permission is granted by the  
16 director with unanimous agreement of the technical and  
17 mine safety review committee. Air that has been used  
18 to ventilate seals shall not be used to ventilate any  
19 working place in any working mine. No air which has  
20 been used to ventilate an area from which the pillars  
21 have been removed shall be used to ventilate any  
22 working place in a mine, except that such air, if it does  
23 not contain 0.25 volume percent or more of methane,  
24 may be used to ventilate enough advancing working  
25 places immediately adjacent to the line of retreat to  
26 maintain an orderly sequence of pillar recovery on a set  
27 of entries. Before sealed areas, temporary or permanent,  
28 are reopened, the director shall be notified.

**TRANSPORTATION****§22A-2-37. Haulage roads and equipment; shelter holes; prohibited practices; signals; inspection.**

1 (a) The roadbed, rails, joints, switches, frogs and other  
2 elements of all haulage roads shall be constructed,  
3 installed and maintained in a manner consistent with  
4 the speed and type of haulage operations being con-  
5 ducted to ensure safe operation. Where transportation of  
6 personnel is exclusively by rail, track shall be main-  
7 tained to within five hundred feet of the nearest working  
8 face.

9 (b) Track switches, except room and entry develop-  
10 ment switches, shall be provided with properly installed  
11 throws, bridle bars and guard rails; switch throws and  
12 stands, where possible, shall be placed on the clearance  
13 side.

14 (c) Haulage roads on entries developed after the  
15 effective date of this article shall have a continuous,  
16 unobstructed clearance of at least twenty-four inches  
17 from the farthest projection of any moving equipment  
18 on the clearance side.

19 (d) On haulage roads where trolley lines are used, the  
20 clearance shall be on the side opposite the trolley lines.

21 (e) On the trolley wire or "tight" side, after the  
22 effective date of this article, there shall be at least  
23 twelve inches of clearance from the farthest projection  
24 of any moving equipment.

25 (f) Warning lights or reflective signs or tapes shall be  
26 installed along haulage roads at locations of abrupt or  
27 sudden changes in the overhead clearance.

28 (g) The clearance space on all haulage roads shall be  
29 kept free of loose rock, coal, supplies or other material:  
30 *Provided*, That not more than twenty-four inches need  
31 be kept free of such obstructions.

32 (h) Ample clearance shall be provided at all points  
33 where supplies are loaded or unloaded along haulage  
34 roads or conveyors, which in no event shall be less than  
35 twenty-four inches.

36 (i) Shelter holes shall be provided along haulage  
37 entries driven after the effective date of this article  
38 where locomotive, rope or animal haulage is used. Such  
39 shelter holes shall be spaced not more than one hundred  
40 feet apart, except when variances are authorized by the  
41 director with unanimous agreement of the mine safety  
42 and technical review committee. Shelter holes shall be  
43 on the side of the entry opposite the trolley wire except  
44 that shelter holes may be on the trolley wire and feeder  
45 wire side if the trolley wire and feeder wire are guarded  
46 in a manner approved by the director.

47 (j) Shelter holes made after the effective date of this  
48 article, unless the director with unanimous agreement  
49 of the mine safety and technical review committee  
50 grants a waiver, shall be at least five feet in depth, not  
51 more than four feet in width, and as high as the  
52 traveling space. Room necks and crosscuts may be used  
53 as shelter holes even though their width exceeds four  
54 feet.

55 (k) Shelter holes shall be kept clear of refuse and other  
56 obstructions.

57 (l) After the effective date of this article, shelter holes  
58 shall be provided at switch throws and manually  
59 operated permanent doors.

60 (m) No steam locomotive shall be used in mines where  
61 miners are actually employed in the extraction of coal,  
62 but this shall not prevent operation of a steam locomotive  
63 through any tunnel haulway or part of a mine that  
64 is not in actual operation and producing coal.

65 (n) Underground equipment powered by internal  
66 combustion engines using petroleum products, alcohol,  
67 or any other compound shall not be used in a coal mine.

68 (o) Locomotives, personnel carriers, mine cars, supply  
69 cars, shuttle cars, and all other haulage equipment shall  
70 be maintained in a safe operating condition. Each  
71 locomotive, personnel carrier, barrier tractor and other  
72 related equipment shall be equipped with a suitable  
73 lifting jack and handle. An audible warning device and  
74 headlights shall be provided on each locomotive and

75 each shuttle car. All other mobile equipment, using the  
76 face areas of the mine, purchased after the effective date  
77 of this article, shall be provided with a conspicuous light  
78 or other approved device so as to reduce the possibility  
79 of collision.

80 (p) No persons other than those necessary to operate  
81 a trip or car shall ride on any loaded car or on the  
82 outside of any car. Where pusher locomotives are not  
83 used, the locomotive operator shall have an assistant to  
84 assist him in his duties.

85 (q) The pushing of trips except for switching purposes,  
86 is prohibited on main haulage roads: *Provided*, That  
87 nothing herein shall prohibit the use of a pusher  
88 locomotive to assist the locomotive pulling a trip.  
89 Motormen and trip riders shall use care in handling  
90 locomotives and cars. It shall be their duty to see that  
91 there is a conspicuous light on the front and rear of each  
92 trip or train of cars when in motion: *Provided, however*,  
93 That trip lights need not be used on cars being shifted  
94 to and from loading machines, on cars being handled at  
95 loading heads during gathering operations at working  
96 faces, or on trips being pulled by animals. No person  
97 except the operator or his assistant shall ride on  
98 locomotives or loaded cars. An empty car or cars shall  
99 be used to provide a safe distance between the  
100 locomotive and the material car when rail, pipe or long  
101 timbers are being hauled. A safe clearance shall be  
102 maintained between the end car or trips placed on side  
103 tracks and moving traffic. On haulage roads the  
104 clearance point shall be marked with an approved  
105 device.

106 (r) No motorman, trip rider or brakeman shall get on  
107 or off cars, trips or locomotives while they are in motion,  
108 except that a trip rider or brakeman may get on or off  
109 the rear end of a slowly moving trip or the stirrup of  
110 a slowly moving locomotive to throw a switch, align a  
111 derail or open or close a door.

112 (s) Flying or running switches and riding on the front  
113 bumper of a car or locomotive are prohibited. Back  
114 poling shall be prohibited except with precaution to the

115 nearest turning point (not over eighty feet), or when  
116 going up extremely steep grades and then only at slow  
117 speed. The operator of a shuttle car shall face in the  
118 direction of travel except during the loading operation  
119 when he shall face the loading machine.

120 (t) (1) A system of signals, methods or devices shall  
121 be used to provide protection for trips, locomotives and  
122 other equipment coming out onto tracks used by other  
123 equipment.

124 (2) In any coal mine where more than three hundred  
125 fifty tons of coal are produced on any shift in each  
126 twenty-four hour period, a dispatcher shall be on duty  
127 when there are movements of track equipment under-  
128 ground, including time when there is no production of  
129 coal. Such traffic shall move only at the direction of the  
130 dispatcher.

131 (3) The dispatcher's only duty shall be to direct traffic:  
132 *Provided*, That the dispatcher's duties may also include  
133 those of the responsible person required by section forty-  
134 two of this article: *Provided, however*, That the dis-  
135 patcher may perform other duties which do not interfere  
136 with his dispatching responsibilities and do not require  
137 him to leave the dispatcher's station except as approved  
138 by the mine safety and technical review committee.

139 (4) Any dispatcher's station provided after the  
140 effective date of this article shall be on the surface.

141 (5) All self-propelled track equipment shall be  
142 equipped with two-way communications.

143 (u) Motormen shall inspect locomotives, and report  
144 any mechanical defects found to the proper supervisor  
145 before a locomotive is put in operation.

146 (v) A locomotive following another trip shall maintain  
147 a distance of at least three hundred feet from the rear  
148 end of the trip ahead, unless such locomotive is coupled  
149 to the trip ahead.

150 (w) Positive stopblocks or derails shall be installed on  
151 all tracks near the top and at landings of shafts, slopes,  
152 and surface inclines. Positive-acting stopblocks or



153 derails shall be used where necessary to protect persons  
154 from danger of runaway haulage equipment.

155 (x) Shuttle cars shall not be altered by the addition  
156 of sideboards so as to inhibit the view of the operator.

157 (y) Mining equipment shall not be parked within  
158 fifteen feet of a check curtain or fly curtain.

159 (z) All self-propelled track haulage equipment shall be  
160 equipped with an emergency stop switch, self centering  
161 valves, or other devices designed to de-energize the  
162 traction motor circuit in the event of an emergency:  
163 *Provided*, That such equipment in operation in a mine  
164 on or before the first day of January, one thousand nine  
165 hundred eighty-seven, shall not be required to be  
166 retrofitted. On or before the first day of January, one  
167 thousand nine hundred eighty-seven, all track mounted  
168 equipment shall be equipped with trolley pole swing  
169 limiters or other means approved by the mine safety and  
170 technical review committee to restrict movement of the  
171 trolley pole when it is disengaged from the trolley wire.  
172 Battery powered mobile equipment shall have the  
173 operating controls clearly marked to distinguish the  
174 forward and reverse positions.

**§22A-2-39. Belt conveyors; installation; maintenance;  
examination of belt conveyors and belt  
entries.**

1 (a) On or after the first day of July, one thousand nine  
2 hundred seventy-one, all conveyor belts acquired for use  
3 underground shall be flame-resistant conveyor belts.

4 (b) A clear travelway at least twenty-four inches wide  
5 shall be provided on both sides of all belt conveyors  
6 installed after the first day of July, one thousand nine  
7 hundred seventy-one. Where roof supports are installed  
8 within twenty-four inches of a belt conveyor, a clear  
9 travelway at least twenty-four inches wide shall be  
10 provided on the side of such support farthest from the  
11 conveyor.

12 (c) On belt conveyors that do not transport men, stop  
13 and start controls shall be installed at intervals not to  
14 exceed one thousand feet. Such controls shall be

15 properly installed and positioned so as to be readily  
16 accessible.

17 (d) Persons shall not cross moving belt conveyors,  
18 except where suitable crossing facilities are provided.

19 (e) All belt conveyors shall be inspected by a certified  
20 belt examiner, mine foreman-fireboss or assistant mine  
21 foreman-fireboss for frozen rollers and fire hazards  
22 following the last production shift each week, also before  
23 holidays, vacation periods, as hereinafter provided, with  
24 records kept of daily inspection.

25 (f) (1) Belt conveyors on which coal is transported on  
26 any shift shall be examined during each coal-producing  
27 shift. Such examination shall be made of belt conveyors  
28 and belt conveyor entries for unsafe conditions includ-  
29 ing, but not limited to, mine gases, frozen rollers,  
30 hazardous roof or rib conditions and fires.

31 (2) Whenever an on-shift examination of a belt  
32 conveyor and belt conveyor entry has not been made  
33 during the preceding shift, an examination shall be  
34 made of the belt conveyor and belt conveyor entry prior  
35 to the conveyor being started; or if any miner is going  
36 to enter the belt conveyor entry, then the area where  
37 such miner will be working shall be examined. Such  
38 examination shall be made by a certified mine foreman-  
39 fireboss, assistant mine foreman-fireboss, or a certified  
40 belt examiner. Thereafter, on-shift examinations by a  
41 certified belt examiner, mine foreman-fireboss or  
42 assistant mine foreman-fireboss shall be made as herein  
43 required.

44 (g) In the conduct of the examination, the belt  
45 examiner, mine foreman-fireboss or assistant mine  
46 foreman-fireboss shall travel the full extent of the belt  
47 conveyor or belt conveyor entry assigned and shall place  
48 his initials and the date and time of his examination at  
49 or near each belt head and along each belt conveyor he  
50 examines. Should the belt examiner, mine foreman-  
51 fireboss or assistant mine foreman-fireboss find a  
52 condition which he considers dangerous to persons  
53 entering such area, he shall erect a danger sign to  
54 prevent other persons from entering the area and notify

55 his immediate supervisor of the condition. Only state or  
56 federal inspectors or authorized representatives of the  
57 miners, and persons authorized by mine management to  
58 correct the condition, may enter such area while the  
59 danger sign is posted. At the conclusion of each shift,  
60 belt examiners, mine foreman-firebosses or assistant  
61 mine foreman-firebosses shall record in a book provided  
62 for that purpose the results of their examination,  
63 including comments concerning the physical condition  
64 of the belt conveyor and the area where the belt  
65 conveyor is located. Such book shall be examined and  
66 countersigned by the mine foreman or his assistant and  
67 by the person conducting such examination on the next  
68 oncoming shift.

69 (h) The examinations set forth in this section shall be  
70 the only examinations required of belt conveyors and  
71 belt conveyor entries, notwithstanding any provision of  
72 sections fourteen, twenty or any other section of this  
73 chapter relating to the examination of belt conveyors  
74 and belt conveyor entries.

75 (i) The board of miner training, education and  
76 certification shall establish criteria and standards for  
77 the training, examination and certification of "belt  
78 examiners". Persons seeking to be certified as a "belt  
79 examiner" must hold a miner's certificate and have at  
80 least two years practical underground mining expe-  
81 rience. Such training, examination and certification  
82 program shall, as a minimum, require a demonstration  
83 of knowledge of belt conveyors, roof control, ventilation  
84 and gases.

85 (j) Deluge-type water sprays, water sprinklers, dry  
86 chemical sprinkler system or foam generators (designed  
87 to be automatically activated in the event of a fire or  
88 rise in the temperature at or near the belt drive) shall  
89 be installed at each main and secondary conveyor drive  
90 that are located underground.

91 (k) All underground belt conveyors shall be equipped  
92 with slippage and sequence switches.

93 (l) Telephone and other suitable communications shall  
94 be provided at points where supplies are regularly

95 loaded or unloaded from the belt conveyors.

96 (m) After supplies have been transported on belt  
97 conveyors, such belts shall be examined by a belt  
98 examiner, mine foreman-fireboss or assistant mine  
99 foreman-fireboss for unsafe conditions prior to the  
100 transportation of men.

101 (n) No person shall be permitted to perform any work  
102 within the confines of the cargo space of a crusher or  
103 feeder, unless the crusher or feeder has been de-  
104 energized and locked out.

**§22A-2-42. Telephone service or communication facilities.**

1 Telephone service or equivalent two-way communica-  
2 tion facilities shall be provided in all mines at least one  
3 of which shall be in service at all times as follows:

4 (a) A telephone or equivalent two-way communication  
5 facility shall be located on the surface within five  
6 hundred feet of all main portals, and shall be installed  
7 either in a building or in a box-like structure designed  
8 to protect the facilities from damage by inclement  
9 weather. At least one of these communication facilities  
10 shall be at a location where a responsible person who  
11 is always on duty when miners are underground can  
12 hear the facility and respond immediately in the event  
13 of an emergency. "Two-way communication facility"  
14 shall mean a system maintained to allow voice contact  
15 to come in and out of the working section at all times.

16 (b) (1) Telephones or equivalent two-way communica-  
17 tion facilities provided at each working section shall be  
18 located not more than five hundred feet outby the last  
19 open crosscut and not more than eight hundred feet  
20 from the farthest point of penetration of the working  
21 places on such section.

22 (2) The incoming communication signal shall activate  
23 an audible alarm, distinguishable from the surrounding  
24 noise level, or a visual alarm that can be seen by a miner  
25 regularly employed on the working section.

26 (3) If a communication system other than telephones

27 is used and its operation depends entirely upon power  
28 from the mine electric system, means shall be provided  
29 to permit continued communication in the event the  
30 mine electric power fails or is cut off: *Provided*, That  
31 where trolley phones and telephones are both used, an  
32 alternate source of power for the trolley phone system  
33 is not required.

34 (4) Telephones or equivalent two-way communication  
35 facilities shall be maintained in good operating condi-  
36 tion at all times. In the event of any failure in the system  
37 that results in loss of communication, repairs shall be  
38 started immediately, and the system restored to operat-  
39 ing condition as soon as possible.

40 (5) Where required by the director, trucks used for  
41 haulage of coal, miners, or supplies by an operator shall  
42 be equipped with two-way communication instruments.

43 (c) On or after the first day of January, one thousand  
44 nine hundred seventy-eight, unless the director for good  
45 cause grants a waiver, all such telephone or equivalent  
46 two-way communications shall be connected to regular  
47 telephonic and other means of communication available  
48 in the community so that in the event of an emergency,  
49 emergency medical attendants or other personnel can  
50 communicate to and from the mine directly to health  
51 care facilities.

52 (d) Telephone lines and cables shall be carried on  
53 insulators installed on the opposite side from power or  
54 trolley wires, and where they cross power or trolley  
55 wires, they shall be insulated adequately. Lightning  
56 arrestors shall be provided at the points where telephone  
57 circuits enter the mine.

#### §22A-2-43. Electric equipment in mines.

1 (a) Electric equipment shall not be taken into or  
2 operated in any place where methane can be detected  
3 with a flame safety lamp or other approved methane  
4 detector at one percent or more at any point not less  
5 than eight inches from the roof, face, or rib.

6 (b) In all mines, electric haulage locomotives operated  
7 from trolley wire and other electrical equipment or

8 devices which may ignite gas shall not be used in return  
9 air, unless permission is granted by the director for a  
10 specified area. For the purpose of this provision, air  
11 used to ventilate a section of mine shall not be consi-  
12 dered return air until such time as the air has ventilated  
13 all of the workings in the section.

14 (c) No person shall be placed in charge of a coal-  
15 cutting machine in any mine who is not a qualified  
16 person, capable of determining the safety of the roof and  
17 sides of the working places and of detecting the presence  
18 of explosive gas, unless they are accompanied by a  
19 certified or qualified person who has passed such an  
20 examination.

21 (d) In any mine no machine shall be brought in by the  
22 last breakthrough next to the working face until the  
23 machine man shall have made an inspection for gas in  
24 the place where the machine is to work. If explosive gas  
25 in excess of one percent is found in the place, the  
26 machine shall not be taken in until the danger is  
27 removed.

28 (e) In working places a safety lamp, or other suitable  
29 approved apparatus for the detection of explosive gas,  
30 shall be provided for use with each mining machine  
31 when working, and should any indication of explosive  
32 gas in excess of one percent appear on the flame of the  
33 safety lamp, or on other apparatus used for the detection  
34 of explosive gas, the person in charge shall immediately  
35 stop the machine, cut off the current at the nearest  
36 switch and report the condition to the mine foreman or  
37 supervisor. The machine shall not again be started in  
38 such place until the condition found has been corrected  
39 and has been pronounced safe by a certified person.

40 (f) No electric equipment shall be operated in a mine  
41 for a longer period than twenty minutes without an  
42 examination as above described being made for gas; and  
43 if gas is found in excess of one percent, the current shall  
44 at once be switched off the machine, and the trailing  
45 cable shall forthwith be disconnected from the power  
46 supply until the place is pronounced safe.

47 (g) Machine runners and helpers shall use care while

48 operating mining machines. They shall not permit any  
49 person to remain near the machine while it is in  
50 operation. They shall examine the roof of the working  
51 place to see that it is safe before starting to operate the  
52 machine. They shall not move the machine while the  
53 cutter chain is in motion.

§22A-2-46. **Welding and cutting.**

1 (a) A record shall be kept of oxygen and gas tanks or  
2 cylinders taken into a mine and the date shall be  
3 recorded when they are removed from the mine. No  
4 more tanks or cylinders than necessary to perform the  
5 work efficiently shall be permitted underground at one  
6 time.

7 (b) Propane torches may be used in lieu of blow-  
8 torches. Only approved apparatus such as torches,  
9 regulators, pressure reducing valves, hoses, check valves  
10 and gas cylinders shall be used.

11 (c) Welding and cutting may be done in mines:  
12 *Provided*, That all equipment and gauges are main-  
13 tained in safe condition and not abused, that suitable  
14 precautions are taken against ignition of methane, coal  
15 dust, or combustible materials, that means are provided  
16 for prompt extinguishment of fires accidentally started,  
17 and that only persons who have demonstrated compet-  
18 ency in welding and cutting are entrusted to do this  
19 work. Adequate eye protection shall be used by all  
20 persons doing welding or cutting, and precautions shall  
21 be taken to prevent other persons from exposure that  
22 might be harmful to their eyes. A suitable wrench  
23 designed for compressed tanks shall be provided to the  
24 person authorized to use the equipment.

25 (d) Transportation of oxygen and gas tanks or  
26 cylinders shall be permitted on self-propelled machinery  
27 or belt conveyors specially equipped for safe holding for  
28 the containers in transportation. In no instance shall  
29 such transportation be permitted in conjunction with  
30 any man trip.

31 (e) Empty oxygen and gas tanks or cylinders shall be  
32 marked "empty" and shall be removed from the mine

33 promptly in safe containers provided for transportation  
34 of the same.

35 (f) When tanks and cylinders are not in use and when  
36 they are being transported, valve protection caps and  
37 plugs shall be placed on all tanks or cylinders for which  
38 caps and plugs are available. No oxygen tanks, gas  
39 tanks or cylinders shall be transported with the hoses  
40 and guages attached thereto.

41 (g) In all mines a certified person, pursuant to section  
42 twelve of this article, shall examine for gas with  
43 permissible flame safety lamps or other approved  
44 detectors before and during welding or cutting. The  
45 safety of the equipment and methods used in such cases  
46 shall be subject to approval of the director. If equipment  
47 is mobile, it shall be removed outby the last open  
48 breakthrough before cutting and welding may be  
49 performed on such equipment.

#### SAFEGUARDS FOR MECHANICAL EQUIPMENT

##### §22A-2-49. Safeguards for mechanical equipment.

1 (a) The cutter chains of mining machines shall be  
2 locked securely by mechanical means or electrical  
3 interlocks while such machines are parked or being  
4 trammed. Loading machines shall not be trammed with  
5 loading arms in motion, except when loading materials.

6 (b) Belt, chain or rope drives and the moving parts  
7 of machinery which are within seven feet of the floor,  
8 ground or platform level, unless isolated, shall be  
9 guarded adequately. Repair pits shall be kept covered  
10 or guarded at all times when not in use. Machinery shall  
11 not be lubricated or repaired while in motion, except  
12 where safe remote lubricating devices are used. Machin-  
13 ery shall not be started until the person lubricating or  
14 repairing it has given a clear signal. Guards which have  
15 been removed shall be replaced before the machinery is  
16 again put into use. Provision shall be made to prevent  
17 accumulations of spilled lubricants.

18 (c) Mechanically operated grinding wheels shall be  
19 equipped with safety washers, substantial retaining



20 hoods, and, unless goggles are used, eye shields.

21 (d) No person shall stand along the side of the boom,  
22 or pass or stand along the loading head or cutting head,  
23 on a continuous miner or loading machine in operation.

24 (e) Braking devices shall be guarded to prevent  
25 accidental release. When required by the director,  
26 track-mounted mobile equipment shall be equipped with  
27 workable standing devices.

28 (f) All battery powered equipment shall be equipped  
29 with an under-voltage indicator which will indicate  
30 when the voltage is less than three-fourths of its rated  
31 capacity, at which time such equipment shall be  
32 withdrawn from use except for the purpose of returning  
33 the vehicle to the recharging station.

34 (g) On or after the first day of January, one thousand  
35 nine hundred eighty-eight, all manually operated valves  
36 and levers of equipment of the same manufacturer and  
37 model shall have the same direction of activation and  
38 direction of operations.

#### MISCELLANEOUS SAFETY PROVISIONS AND REQUIREMENTS

##### §22A-2-53a. Railroad cars; dumping areas; other surface areas.

1 (1) Employees handling railroad cars shall have access  
2 to and use an approved distinct audible signaling device  
3 to give warning when cars are in motion. Safety belts  
4 shall be worn and properly attached by all car droppers  
5 handling railroad cars. Railroad cars shall be  
6 maintained under control at all times. Cars shall be  
7 dropped at a safe rate of speed and in such a manner  
8 that will ensure the car dropper maintains a safe  
9 position while working and traveling around the car.  
10 Railroad cars shall not be coupled or uncoupled  
11 manually from the inside of curves unless the railroad  
12 and cars are so designed to eliminate any hazard from  
13 coupling or uncoupling cars from inside of curves.

14 (2) All dumping ramps shall be of a sufficient width  
15 to ensure safe operation of vehicles used thereon.

16 (3) All access roads leading to and from bath houses,  
17 portals, and other areas on which persons are expected  
18 to travel to and from work, shall be of sufficient width  
19 and be maintained in good condition. On haulage roads,  
20 guardrails or berms shall be provided on the outer bank  
21 of all elevated roadways.

22 (4) Mobile surface loading and haulage equipment  
23 shall be inspected by a competent person before such  
24 equipment is placed into operation. Equipment defects  
25 affecting safety shall be corrected before the equipment  
26 is used.

27 (5) Safety protection, such as safety belts, lifelines, or  
28 lanyards to prevent a person from falling shall be  
29 provided at all times that miners are working in an area  
30 where the potential fall distance exceeds fifteen feet,  
31 except that safety belts shall not be used where they are  
32 impractical or would pose a greater hazard. Safety nets  
33 shall be provided when work places are more than  
34 twenty-five feet above the ground where the use of  
35 ladders, scaffolds, catch platforms, temporary floors,  
36 safety lines, or safety belts are impractical.

**§22A-2-53b. Haulage or surface areas.**

1 (1) Traffic directions which differ from standard  
2 highways practice shall be posted on signs along the  
3 haulage roads at strategic points in letters at least three  
4 inches high.

5 (2) Well marked signs conspicuously placed, shall be  
6 properly located to alert drivers to existing danger  
7 areas, such as the approach to a dangerous curve or an  
8 extreme grade.

9 (3) Traffic rules, signals and warning signs shall be  
10 standardized at each mine.

11 (4) Where side or overhead clearances on haulage  
12 roads or loading or dumping locations are hazardous to  
13 mine workers, such areas shall be conspicuously marked  
14 and warning devices shall be installed when necessary  
15 to ensure the safety of the workers.

16 (5) Flashers, flares, or other means of signaling shall

17 be used to warn approaching drivers of a hazard created  
18 by an obstruction in the roadway.

19 (6) Regulatory signs shall be used to indicate the  
20 required method of traffic movement.

21 (7) Posted warning signs shall be used where neces-  
22 sary to indicate potential hazardous conditions.

23 (8) Object marking shall be used to mark physical  
24 obstructions in or near the haulageway that presents  
25 possible hazards.

26 (9) All signs and markings shall be displayed and  
27 utilized so as to be as effective as possible.

28 (10) Where side or overhead clearance on any haulage  
29 road or at any loading or dumping location at a surface  
30 mine is hazardous to any person, such hazard shall be  
31 corrected immediately, and all necessary precautions  
32 taken while such hazard is being corrected.

33 (11) Haulage roads shall be located an adequate  
34 distance from highwalls and spoil banks to minimize the  
35 danger of falling material onto personnel and  
36 equipment.

37 (12) When dust created by haulage is thrown into  
38 suspension in such quantities that may obscure the  
39 vision of the operators of vehicles, an adequate means  
40 shall be taken to allay such dust.

41 (13) Only authorized persons shall be permitted on  
42 haulage roads and at loading or dumping locations.

43 (14) Berms or guards shall be provided where  
44 required on the outer bank of elevating roadways.

45 (15) The width and grade to be utilized in haulage  
46 road construction shall be determined for each specific  
47 situation based upon terrain configuration, vehicle  
48 characteristics and driver visibility for safe haulage.

49 (16) Haulage roads shall be constructed of sufficient  
50 width to permit the driver to maneuver his vehicle to  
51 avoid striking unexpected obstacles on the roadway  
52 where reclamation regulations permit.

53 (17) Provisions shall be made to adequately drain and  
54 remove excessive water from the haulage roads.

55 (18) Haulage roads shall be constructed, installed and  
56 maintained in a manner consistent with the speed and  
57 type of haulage operations being conducted to ensure  
58 safe operation. All roads leading to and from work sites  
59 on which persons are expected to travel to and from  
60 work or to haul coal or supplies, shall be of sufficient  
61 width and be maintained in good condition.

62 (19) Haulage operations shall be stopped when the  
63 haulage surface has deteriorated to the extent that it  
64 presents a danger to the safety of the haulage operation.

65 (20) All haulage vehicles placed into service after the  
66 effective date of this section shall be equipped with an  
67 approved supplementary emergency braking system.

68 (21) All power lines constructed over haulage roads  
69 after the effective date of this section shall be main-  
70 tained at a minimum of twelve feet above all equipment  
71 used on haulage roads, including dump trucks in a  
72 raised position.

**§22A-2-53c. Ramps; tipples; cleaning plants; other surface areas.**

1 (1) Surface installations generally—Surface installa-  
2 tions, all general mine structures, enclosures and other  
3 facilities, including custom coal preparation facilities  
4 shall be maintained in good condition. In unusually  
5 dusty locations, electric motors, switches and controls  
6 shall be of dust-tight construction, or enclosed with  
7 reasonable dust-tight housings or enclosures. Openings  
8 in surface installations through which men or material  
9 may fall shall be protected by railings, barriers, covers  
10 or other protective devices. Illumination sufficient to  
11 provide safe working conditions shall be provided in and  
12 on all surface structures, paths, walkways, switch  
13 panels, loading and dumping sites, working areas and  
14 parking areas. Materials shall be stored and/or stacked  
15 in a manner to prevent stumbling or falling.  
16 Compressed and liquid gas cylinders shall be secured in  
17 a safe manner. Adequate ventilation shall be provided

18 in tipples and preparation plants. Coal dust in or around  
19 tipples or cleaning plants shall not be permitted to exist  
20 or accumulate in dangerous amounts.

21 (2) Machinery guards—Gears, sprockets, chains, drive  
22 head, tail and takeup pulleys, flywheels, couplings,  
23 shafts, sawblades, fan inlets, and similar exposed  
24 moving machine parts with which persons may come in  
25 contact shall be guarded adequately. Except when  
26 testing is necessary, machinery guards shall be secured  
27 in place while being operated. Belt rollers shall not be  
28 cleaned while belts are in motion.

29 (3) Fire protection—Where cutting or welding is  
30 performed at any location, a means of prompt extin-  
31 guishment of any fire accidentally started shall be  
32 provided. Adequate fire-fighting facilities, required by  
33 the department of energy, shall be provided on all floors.  
34 At least two exits shall be provided for every floor of  
35 tipples and cleaning plants constructed after the  
36 effective date of this section. Signs warning against  
37 smoking and open flames shall be posted so they can be  
38 readily seen in areas or places where fire or explosion  
39 hazards exists. Smoking or an open flame in or about  
40 surface structures shall be restricted to locations where  
41 it will not cause fire or an explosion.

42 (4) Repairs of machinery—Machinery shall not be  
43 lubricated or repaired while in motion, except where  
44 safe remote lubricating devices are used. Machinery  
45 shall not be started until the person lubricating or  
46 repairing it has given a clear signal. Means and methods  
47 shall be provided to assure that structures and the  
48 immediate area surrounding the same shall be  
49 reasonably free of coal dust accumulations. Where  
50 repairs are made to tipples, or cleaning plants, proper  
51 scaffolding and proper overhead protection shall be  
52 provided for workmen when necessary. Where overhead  
53 repair work is being performed at surface installations,  
54 adequate protection shall be provided for all persons  
55 working or passing below.

56 (5) Stairs, platforms, etc.—Stairways, elevated plat-  
57 forms and runways shall be equipped with handrails.

58 Railroad car trimmer platforms are exempted from  
59 such requirements. Where required, elevated platforms  
60 and stairways shall be provided with toeboards. They  
61 shall be kept clear of refuse and ice and maintained in  
62 good condition.

63 (6) Belts, etc.—Drive belts shall not be shifted while  
64 in motion unless such machines are provided with  
65 mechanical shifters. Belt dressing shall not be applied  
66 while in motion. Belts, chains and ropes shall not be  
67 guided into power-driven moving pulleys, sprockets or  
68 drums with the hand except with equipment especially  
69 designed for hand feeding.

70 (7) Conveyors and crossovers—When the entire length  
71 of a conveyor is visible from the starting switch, the  
72 operator shall visually check to make certain that all  
73 persons are in the clear before starting the conveyor.  
74 When the entire length of the conveyor is not visible  
75 from the starting switch, a positive audible or visible  
76 warning system shall be installed and operated to warn  
77 persons when the conveyor will be started. Crossovers  
78 shall be provided where necessary to cross conveyors.  
79 All crossovers shall be of substantial construction, with  
80 rails, and maintained in good condition. Moving convey-  
81 ors shall be crossed only at designated crossover points.  
82 A positive audible or visible warning system shall be  
83 installed and operated to warn persons that a conveyor  
84 or other tipple equipment is to be started. Pulleys of  
85 conveyors shall not be cleaned manually while the  
86 conveyor is in operation. Guards, nets or other suitable  
87 protection shall be provided where tramways pass over  
88 roadways, walkways or buildings. Where it is required  
89 to cross under a belt, adequate means shall be taken to  
90 prohibit a person from making contact with a moving  
91 part.

92 (8) Ladders—All ladders shall be securely fastened.  
93 Permanent ladders more than ten feet in height shall  
94 be provided with backguards. Ladders shall be of  
95 substantial construction and maintained in good condi-  
96 tion. Wooden ladders shall not be painted. Fixed ladders  
97 shall not incline backward at any point unless equipped  
98 with backguards. Fixed ladders shall be anchored

99 securely and installed with at least three inches of toe  
100 clearance. Side rails of fixed ladders shall project at  
101 least three feet above landings, or substantial handholds  
102 shall be provided above the landing. No person shall be  
103 permitted to work off of the top step of any ladder.  
104 Metal ladders shall not be used with electrical work,  
105 where there is danger of the ladder coming into contact  
106 with power lines or an electrical conductor. The  
107 maximum length of a step ladder shall be twenty feet  
108 and an extension ladder sixty feet.

109 (9) Hoisting—Hitches and slings used to hoist mate-  
110 rials shall be suitable for handling the type of material  
111 being hoisted. Persons shall stay clear of hoisted loads.  
112 Tag lines shall be attached to hoisted materials that  
113 require steadying or guidance. A hoist shall not lift  
114 loads greater than the rated capacity of the hoist being  
115 used.

116 (10) Railroad track construction and maintenance

117 (a) All parts of the track haulage road under the  
118 ownership or control of the operator shall be strictly  
119 constructed and maintained. Rails shall be secured at all  
120 points by means of plates or welds. When plates are  
121 used, plates conforming with the weight of the rail shall  
122 be installed and broken plates shall be replaced  
123 immediately. Appropriate bolts shall be inserted and  
124 maintained in all bolt holes. The appropriate number of  
125 bolts conforming with the appropriate rail plate for the  
126 weight of the rail shall be inserted, tightly secured, and  
127 maintained.

128 (b) All points shall be installed and maintained so as  
129 to prevent bad connections. Varying weights of rail shall  
130 not be joined without proper adapters. Tracks shall be  
131 blocked and leveled and so maintained so as to prevent  
132 high and low joints.

133 (c) Tracks shall be gauged so as to conform with the  
134 track mounted equipment. Curves shall not be con-  
135 structed so sharp as to put significant pressure on the  
136 trucks of the track mounted equipment.

137 (d) Severely worn or damaged rails and ties shall be

138 replaced immediately.

139 (e) When mining operations are performed within any  
140 twenty-four hour period, operations shall be inspected at  
141 least every twenty-four hours to assure safe operation  
142 and compliance with the law and regulations. The  
143 results of which inspection shall be recorded.

144 (f) Personnel who are required frequently and regu-  
145 larly to travel on belts or chain conveyors extended to  
146 heights of more than ten feet shall be provided with  
147 adequate space and protection in order that they may  
148 work safely. Permanent ladders extending more than  
149 ten feet shall be provided with back guards. Walkways  
150 around thickeners that are less than four feet above the  
151 walkway shall be adequately guarded. Employees  
152 required to work over thickener shall wear a safety  
153 harness adequately secured, unless walkways or other  
154 suitable safety devices are provided.

*[Handwritten signatures and initials]*



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Bruce C. Williams*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Todd C. Stahl*  
Clerk of the Senate

*Donald L. Hoyle*  
Clerk of the House of Delegates

*Sam Tuckman*  
President of the Senate

*Joseph P. Allright*  
Speaker of the House of Delegates

The within *approved* this the *26th*  
*March*  
day of \_\_\_\_\_, 1986.

*Andrew M. Thayer*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/86

Time 4:46 p.m.

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/86

1986 MAR 29 PM 6 57  
RECEIVED  
SECRETARY OF STATE

PTC/ST/ST