

No. 2183

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



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 developmment
56 and in areas where physical conditions prevent compli-
57 ance 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 conveyors
81 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 condition.
96 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 leads 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.

The bottom of the page contains several handwritten signatures and initials in dark ink. There are approximately four distinct marks, including what appears to be a signature on the left and several sets of initials or scribbles on the right.

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

Bruce O. Williams
.....
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Originating in the House.

Takes effect from passage.

Todd C. Smith
.....
Clerk of the Senate

Donald L. Hogg
.....
Clerk of the House of Delegates

Sam Tomlinson
.....
President of the Senate

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

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

Arthur M. Massey
.....
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

DEPARTMENT OF STATE
STATEMENT OF CASE

1986 MAR 29 PM 6 57

PTC001777