



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

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To: All persons interested in Rules and Regulations constructed by the Board of Coal Mine Health and Safety

From: Joel L. Watts, Administrator -- BCMH&S

Subject: The Responsibility for Care and Maintenance of Equipment

Date: 20 February 2008

Effective Date: 1 January 2009

Action: Finalized Regulation -- Title 36, Series 18, Section 6

Authority: §22-6-4

The Board of Coal Mine Health and Safety is created pursuant to WV Code §22A-6-1

This new regulation is inserted after Series 18-5:

§36-18-6.1

By 1 January 2009, on working sections where personnel carriers are used to transport miners underground, the personnel carrier or combination of personnel carriers, shall be of sufficient capacity to accommodate the number of persons reasonably likely to be on the section and shall be available to transport persons to a safe area in the event of an emergency.

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

**SERIES 18
THE RESPONSIBILITY FOR CARE AND MAINTENANCE
OF EQUIPMENT**

§36-18-3. General

- 1.1. Scope. – This rule is to provide that personnel carriers used to transport miners to a working section must be maintained at the working section and must have sufficient capacity to transport all persons out of the working section in the event of an emergency.
- 1.2. Authority. – WV Code Chapter 22-6-4
- 1.3. Filing Date. – February 20, 2008
- 1.4. Effective Date. – January 1, 2009

§36-18-3. Effect of Regulations

2.1

- (a) These rules and regulations shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect of law. All provisions of Title 36 Series 18 of the Code, relative to enforcement, are applicable to the enforcement of these rules and regulations
- (b) These proposed regulations are intended to provide that personnel carriers or trip cars used to transport miners to a working section must be maintained at the working section and must have sufficient capacity to transport all miners out of the working section in the event of an emergency.

§36-18-3. Definitions

- 3.2 Unsafe Equipment: The term "Unsafe Equipment" shall mean any equipment designated to be operated by a miner that has a defect which is covered by state law, or rule or regulation, and that creates a condition which involves a potential hazard that could reasonably be expected to cause a miner in the vicinity to be placed in danger of injury or death.

§36-18-4. Responsibility for care and maintenance of equipment.

- 4.1. Mine operators shall maintain equipment in safe operating condition. Equipment operators shall exercise reasonable care in the operation of the equipment entrusted to them and shall promptly report defects known to them, provided, if equipment has been taken out of service, by being properly tagged out, the operator shall not be issued a violation under the provision of this section; provided however, such tag placed on such equipment shall indicate the date and time such equipment was removed from service.

The person removing the equipment from service and tagging such equipment shall place his signature upon the tag.

§36-18-5. Pre-Operational Equipment Check.

- 5.1. Each working shift prior to its operation, all self-propelled section equipment to be operated during that shift shall be examined by the equipment operator for safety defects and/or unsafe conditions.
- 5.2. Pre-Operational equipment examination required under 5.1 of this rule shall include the following items at a minimum. In addition, a list of these items shall be maintained on such equipment.
 - 5.2.1. Stop/Start Control
 - 5.2.2. Panic Bar
 - 5.2.3. Tram Controls
 - 5.2.4. Steering
 - 5.2.5. Service Brakes
 - 5.2.6. Automatic Emergency Brakes
 - 5.2.7. Lights
 - 5.2.8. Warning Device
 - 5.2.9. Canopies Where Required
 - 5.2.10. ATRS System and Boom Controls on Roof Bolting Machines
- 5.3. Upon completion of the required examination under 5.1, if the equipment is determined to be unsafe, the individual making the examination shall report such unsafe equipment to his/her foreman. Any unsafe equipment shall be taken out of service and tagged until such unsafe condition is corrected. Before the unit of equipment can be placed back into service, the operator of such unit shall make a pre-operational examination.

§36-18-6. Maintenance of Personnel Carriers.

- 6.1. By January 1, 2009, on working sections where personnel carriers are used to transport miners underground, the personnel carrier or combination of personnel carriers, shall be of sufficient capacity to accommodate the number of persons reasonably likely to be on the section and shall be available to transport persons to a safe area in the event of an emergency.

§36-18-7. Load Locking Valves.

- 7.1. All continuous-mining machines and loading machines shall be equipped with load-locking valves in the boom and head lift cylinders.