

1 **H. B. 4429**

2  
3 By Delegates R. Smith, Craig, Andes,  
4 R. Phillips, Espinosa, Shott, L. Phillip,  
5 Eldridge, Williams, Tomblin and Cadle)  
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7 [Introduced February 6, 2014; referred to the  
8 Committee on Energy then the Judiciary.]  
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10 A BILL to amend and reenact §22A-2-6 of the Code of West Virginia,  
11 1931, as amended, relating to movement of mining equipment in  
12 underground coal mines; requiring that mining equipment being  
13 transported or trammed underground where energized trolley  
14 wire exists, other than ordinary sectional movement, be done  
15 by qualified personnel under supervision of a certified  
16 foreman.

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

18 That §22A-2-6 of the Code of West Virginia, 1931, as amended,  
19 be amended and reenacted to read as follows:

20 **ARTICLE 2. UNDERGROUND MINES.**

21 **§22A-2-6. Movement of mining equipment.**

22 ~~(a)~~ Mining equipment being transported or trammed underground,  
23 other than ordinary sectional movements, shall be transported or  
24 trammed by qualified personnel under the supervision of a certified

1 foreman. When equipment is being transported or trammed where  
2 energized trolley wire exists, no person shall be permitted to be  
3 inby the equipment in the ventilating split that is passing over  
4 such equipment. To avoid accidental contact with power lines, face  
5 equipment shall be insulated and assemblies removed, if necessary,  
6 so as to provide clearance.

7 ~~(b) The task force shall, upon the effective date of the~~  
8 ~~amendments to this section made during the 2008 Regular Session of~~  
9 ~~the West Virginia Legislature, undertake a study of methods and~~  
10 ~~technologies available related to transporting miners, mining~~  
11 ~~equipment and supplies in underground mines.~~

12 ~~(c) Upon completion of the study directed by the provisions of~~  
13 ~~subsection (b) of this section, the task force may present~~  
14 ~~recommendations to the West Virginia Board of Coal Mine Health and~~  
15 ~~Safety designed to improve the safety and efficiency of underground~~  
16 ~~mines transportation systems. The board may upon the consideration~~  
17 ~~of any such task force recommendations, promulgate rules governing~~  
18 ~~the movement of mining equipment within coal mines in the State of~~  
19 ~~West Virginia.~~

20 ~~(d) The current legislative rule 36CSR4, effective July 19,~~  
21 ~~1979, relating to "Rules and Regulations Governing the Movement of~~  
22 ~~Mining Equipment within Coal Mines in the State of West Virginia",~~  
23 ~~is hereby limited and qualified as to its force and effect and~~  
24 ~~shall only be read to be effective to the extent provided as~~

1 follows:

2 ~~To the extent that the rule permits the movement of major~~  
3 ~~pieces of heavy mining equipment with men inby the equipment in the~~  
4 ~~ventilating split that is passing over such equipment, to-wit,~~  
5 ~~Section 4: applying the prohibition only to "transporting" and only~~  
6 ~~"where energized D.C. powered trolley or feeder wires are present";~~  
7 ~~Sections 5.1, 9.1, 10.1, 12.1 and 13.1 to the extent that they~~  
8 ~~involve transporting or tramping such equipment with men inby;~~  
9 ~~Sections 6.1 and 6.2 only to the extent that such equipment is not~~  
10 ~~designed by the manufacturer to operate on track; Section 7.1 only~~  
11 ~~to the extent that such equipment exceeds the length or width of~~  
12 ~~the mine car; and Section 11.1 only to the extent that such~~  
13 ~~equipment in said section exceeds the length, width or cargo~~  
14 ~~carrying capacity of the unit being used to transport such~~  
15 ~~equipment. Construction work and rehabilitation work are not~~  
16 ~~prohibited except to the extent that such would involve the~~  
17 ~~movement of major pieces of heavy mining equipment into the precise~~  
18 ~~area where such work is to be performed, with men inby.~~

19 ~~(e) The provisions of subsection (d) of this section, as~~  
20 ~~enforced upon February 1, 2008, shall remain in full force and~~  
21 ~~effect until modified by any rules promulgated pursuant to~~  
22 ~~subsection (c) of this section.~~

NOTE: The purpose of this bill is to require that mining equipment being transported or trammed underground where energized trolley wire exists, other than ordinary sectional movement be done by qualified personnel under supervision of a certified foreman.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.