

1 **H. B. 4570**

2
3 (By Delegates R. Smith, Andes, Espinosa,
4 Howell, A. Evans, Azinger and Miller)
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6 [Introduced February 17, 2014; referred to the
7 Committee on Energy then the Judiciary.]
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10 A BILL to amend and reenact §22A-2-37 of the Code of West Virginia,
11 1931, as amended, relating to underground coal mines;
12 requiring maintenance of haulage roads within one thousand
13 feet of the working face in an underground coal mine.

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

15 That §22A-2-37 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 2. UNDERGROUND MINES.**

18 **§22A-2-37. Haulage roads and equipment; shelter holes; prohibited**
19 **practices; signals; inspection.**

20 (a) The roadbed, rails, joints, switches, frogs and other
21 elements of all haulage roads shall be constructed, installed and
22 maintained in a manner consistent with speed and type of haulage
23 operations being conducted to ensure safe operation. Where
24 transportation of personnel is exclusively by rail, track shall be

1 maintained to within ~~five hundred~~ one thousand feet of the nearest
2 working face. ~~except that~~ When any section is fully developed and
3 being prepared for retreating, then the distance of ~~such the~~
4 maintenance ~~can be extended to eight hundred~~ is also one thousand
5 feet if a rubber tired vehicle is readily available.

6 (b) Track switches, except room and entry development switches,
7 shall be provided with properly installed throws, bridle bars and
8 guard rails; switch throws and stands, where possible, shall be
9 placed on the clearance side.

10 (c) Haulage roads on entries shall have a continuous,
11 unobstructed clearance of at least twenty-four inches from the
12 farthest projection of any moving equipment on the clearance side.

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

15 (e) On the trolley wire or "tight" side, there shall be at
16 least twelve inches of clearance from the farthest projection of
17 any moving equipment.

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

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

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

4 (i) Shelter holes shall be provided along haulage entries.
5 Such shelter holes shall be spaced not more than one hundred feet
6 apart, except when variances are authorized by the director with
7 unanimous agreement of the mine safety and technical review
8 committee. Shelter holes shall be on the side of the entry
9 opposite the trolley wire except that shelter holes may be on the
10 trolley wire and feeder wire side if the trolley wire and feeder
11 wire are guarded in a manner approved by the director.

12 (j) Shelter holes shall be at least five feet in depth, not
13 more than four feet in width, and as high as the traveling space,
14 unless the director with unanimous agreement of the mine safety and
15 technical review committee grants a waiver. Room necks and
16 crosscuts may be used as shelter holes even though their width
17 exceeds four feet.

18 (k) Shelter holes shall be kept clear of refuse and other
19 obstructions.

20 (l) Shelter holes shall be provided at switch throws and
21 manually operated permanent doors.

22 (m) No steam locomotive shall be used in mines where miners are
23 actually employed in the extraction of coal, but this shall not
24 prevent operation of a steam locomotive through any tunnel haulway

1 or part of a mine that is not in actual operation and producing
2 coal.

3 (n) Underground equipment powered by internal combustion
4 engines using petroleum products, alcohol, or any other compound
5 shall not be used in a coal mine, unless the equipment is diesel-
6 powered equipment approved, operated and maintained as provided in
7 article two-a of this chapter.

8 (o) Locomotives, personnel carriers, mine cars, supply cars,
9 shuttle cars, and all other haulage equipment shall be maintained
10 in a safe operating condition. Each locomotive, personnel carrier,
11 barrier tractor and other related equipment shall be equipped with
12 a suitable lifting jack and handle. An audible warning device and
13 headlights shall be provided on each locomotive and each shuttle
14 car. All other mobile equipment, using the face areas of the mine,
15 shall be provided with a conspicuous light or other approved device
16 so as to reduce the possibility of collision.

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

21 (q) The pushing of trips, except for switching purposes, is
22 prohibited on main haulage roads: *Provided*, That nothing herein
23 shall prohibit the use of a pusher locomotive to assist the
24 locomotive pulling a trip. Motormen and trip riders shall use care

1 in handling locomotives and cars. It shall be their duty to see
2 that there is a conspicuous light on the front and rear of each
3 trip or train of cars when in motion: *Provided, however,* That trip
4 lights need not be used on cars being shifted to and from loading
5 machines, or on cars being handled at loading heads during
6 gathering operations at working faces. No person except the
7 operator or his or her assistant shall ride on locomotives or
8 loaded cars. An empty car or cars shall be used to provide a safe
9 distance between the locomotive and the material car when rail,
10 pipe or long timbers are being hauled. A safe clearance shall be
11 maintained between the end car or trips placed on side tracks and
12 moving traffic. On haulage roads the clearance point shall be
13 marked with an approved device.

14 (r) No motorman, trip rider or brakeman shall get on or off
15 cars, trips or locomotives while they are in motion, except that a
16 trip rider or brakeman may get on or off the rear end of a slowly
17 moving trip or the stirrup of a slowly moving locomotive to throw
18 a switch, align a derail or open or close a door.

19 (s) Flying or running switches and riding on the front bumper
20 of a car or locomotive are prohibited. Back poling shall be
21 prohibited except with precaution to the nearest turning point (not
22 over eighty feet), or when going up extremely steep grades and then
23 only at slow speed. The operator of a shuttle car shall face in
24 the direction of travel except during the loading operation when he

1 or she shall face the loading machine.

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

5 (2) In any coal mine where more than three hundred fifty tons
6 of coal are produced on any shift in each twenty-four hour period,
7 a dispatcher shall be on duty when there are movements of track
8 equipment underground, including time when there is no production
9 of coal. Such traffic shall move only at the direction of the
10 dispatcher.

11 (3) The dispatcher's only duty shall be to direct traffic:
12 *Provided*, That the dispatcher's duties may also include those of
13 the responsible person required by section forty-two of this
14 article: *Provided, however*, That the dispatcher may perform other
15 duties which do not interfere with his or her dispatching
16 responsibilities and do not require him or her to leave the
17 dispatcher's station except as approved by the mine safety and
18 technical review committee.

19 (4) Any dispatcher's station shall be on the surface.

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

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

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

4 (w) Positive stop blocks or derails shall be installed on all
5 tracks near the top and at landings of shafts, slopes and surface
6 inclines. Positive-acting stop blocks or derails shall be used
7 where necessary to protect persons from danger of runaway haulage
8 equipment.

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

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

13 (z) All self-propelled track haulage equipment shall be
14 equipped with an emergency stop switch, self centering valves, or
15 other devices designed to de-energize the traction motor circuit in
16 the event of an emergency. All track mounted trolley equipment
17 shall be equipped with trolley pole swing limiters or other means
18 approved by the mine safety and technical review committee to
19 restrict movement of the trolley pole when it is disengaged from
20 the trolley wire. Battery powered mobile equipment shall have the
21 operating controls clearly marked to distinguish the forward and
22 reverse positions.

NOTE: The purpose of this bill is to increase the distance from the working face that haulage roads must be maintained in an underground coal mine.

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