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**H. B. 2124**

(By Delegates R. Smith, R. Phillips, Moffatt, Gearheart,  
Border, D. Evans, Kessinger, Zatezalo and J. Nelson)

[Introduced January 20, 2015; referred to the  
Committee on Energy.]

A BILL to amend and reenact §22A-2-37 of the Code of West Virginia, 1931, as amended, relating  
to underground coal mines; requiring maintenance of haulage roads within one thousand feet  
of the working face in an underground coal mine.

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

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

**ARTICLE 2. UNDERGROUND MINES.**

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

(a) The roadbed, rails, joints, switches, frogs and other elements of all haulage roads shall be  
constructed, installed and maintained in a manner consistent with speed and type of haulage  
operations being conducted to ensure safe operation. Where transportation of personnel is  
exclusively by rail, track shall be maintained to within ~~five hundred~~ one thousand feet of the nearest  
working face. ~~except that~~ When any section is fully developed and being prepared for retreating, then

1 the distance of ~~such~~ the maintenance can be extended to eight hundred is also one thousand feet if  
2 a rubber tired vehicle is readily available.

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

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

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

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

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

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

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

19 (i) Shelter holes shall be provided along haulage entries. Such shelter holes shall be spaced  
20 not more than one hundred feet apart, except when variances are authorized by the director with  
21 unanimous agreement of the mine safety and technical review committee. Shelter holes shall be on  
22 the side of the entry opposite the trolley wire except that shelter holes may be on the trolley wire and

1 feeder wire side if the trolley wire and feeder wire are guarded in a manner approved by the director.

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

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

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

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

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

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

21 (p) No persons other than those necessary to operate a trip or car shall ride on any loaded car  
22 or on the outside of any car. Where pusher locomotives are not used, the locomotive operator shall

1 have an assistant to assist him or her in his or her duties.

2 (q) The pushing of trips, except for switching purposes, is prohibited on main haulage roads:  
3 *Provided*, That nothing herein shall prohibit the use of a pusher locomotive to assist the locomotive  
4 pulling a trip. Motormen and trip riders shall use care in handling locomotives and cars. It shall be  
5 their duty to see that there is a conspicuous light on the front and rear of each trip or train of cars  
6 when in motion: *Provided, however*, That trip lights need not be used on cars being shifted to and  
7 from loading machines, or on cars being handled at loading heads during gathering operations at  
8 working faces. No person except the operator or his or her assistant shall ride on locomotives or  
9 loaded cars. An empty car or cars shall be used to provide a safe distance between the locomotive  
10 and the material car when rail, 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 moving traffic. On haulage roads  
12 the clearance point shall be marked with an approved device.

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

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

22 (t) (1) A system of signals, methods or devices shall be used to provide protection for trips,

1 locomotives and other equipment coming out onto tracks used by other equipment.

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

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

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

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

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

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

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

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

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

1           (z) All self-propelled track haulage equipment shall be equipped with an emergency stop  
2 switch, self centering valves, or other devices designed to de-energize the traction motor circuit in  
3 the event of an emergency. All track mounted trolley equipment shall be equipped with trolley pole  
4 swing limiters or other means approved by the mine safety and technical review committee to restrict  
5 movement of the trolley pole when it is disengaged from the trolley wire. Battery powered mobile  
6 equipment shall have the operating controls clearly marked to distinguish the forward and reverse  
7 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.