



NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-60

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
Exempt

RULE NAME: Rules and Regulations Governing Equipment and
Operations for Open-Pit Mines, the Surface of
Underground Mines, Preparation Plants and
Loadouts

CITE STATUTORY AUTHORITY: W. Va. Code §§ 22A-6-4, 22A-6-5, 22A-4-2

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

January 15, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

John F Willems -- By my signature, I certify that I am the person authorized to file
legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title 36
Exempt Legislative Rule
Board of Coal Mine Health & Safety

Series 60

Rules and Regulations Governing Equipment and Operations for Open-Pit Mines, the Surface of Underground Mines, Preparation Plants and Loadouts

§36-60-1 General

- 1.1. Scope. -- Rule governing surface mobile equipment requirements and operations for open-pit mines, the surface of underground mines, preparation plants and loadouts.
- 1.2. Authority. -- W. Va. Code §§ 22A-6-4, 22A-6-5, 22A-4-2
- 1.3. File Date. – December 16, 2025
- 1.4. Effective Date. – January 15, 2026

§36-60-2 Effect of Rule

- 2.1. This rule shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect as law. All provisions of W. Va. Code § 22A-1-1 *et seq.* relative to enforcement are applicable to the enforcement of this rule.

§36-60-3 Definitions

- 3.1. All terms used in this rule, not defined herein, shall have the meanings set forth in W. Va. Code §§ 22A-1-2, 22A-4-1.
- 3.2 “Designated maintenance area” shall mean an area identified by the operator for conducting maintenance and repair tasks, based on the site’s risk assessment and operational layout.

§36-60-4 General Requirements

- 4.1. The following requirements apply to surface mobile equipment and operations in open-pit mines, surface of underground mines, preparation plants and loadouts. The following requirements do not apply to track mounted equipment on the surface areas of underground mines. Routine maintenance shall be exempt from this rule.

- 4.1.1. When equipment repairs that are above and beyond ordinary repairs are being performed in an area other than a designated maintenance area, the operator is required to:

- 4.1.1.a. Develop a safety zone around the surface mobile equipment. This safety zone may implement the use of physical barriers such as road cones, signage,

flashing strobes or any combination of those or other devices that would clearly identify the safety zone. Within this safety zone, surface mobile equipment must be secured from movement and arrested on the ground.

4.1.1.b. Limit the personnel in that area to those needed to conduct the repair.

4.1.1.c. Require that all people working in that area have a two-way radio.

4.1.1.d. Require that between the time 30 minutes before sunset to 30 minutes after sunrise, sufficient lighting will be provided by cap lights, strobe lights, individual headlights, vehicle lights, not including vehicle headlights, or other means to ensure the area is adequately illuminated at all times.

4.1.2. All personnel while out of surface mobile equipment must wear 100 square inches of reflective material that can be seen from all directions on the outermost garment from the waist up. This material must be made available by the operator to its employees.