February 10, 2004

Fatal Haulage Accident Investigation Report
Raw Coal Mining Company, Inc.
Cucumber Mine
Permit No. U-4016-94B

Region Two - Welch Office
891 Stewart Street
Welch, WV 24801
Fred B. Stinson, Inspector-at-Large
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CK - ROOF PROFILE
Scale: 1" = 50'

FEBRUARY 10, 2004
ACCIDENT
TRACK - ROOF PROFILE

VIEW
1" = 100'

CUCUMBER MINE
POCAHONTAS NO. 3 SEAM
M.S.H.A. ID NO: 46-08580
M.H.S.T. PERMIT: U-4016-94
Located on Big Creek of Jenkins Fork of Dry Fork of Tug Fork
By Chase District of McDowell County

RAW COAL MINING COMPANY, INC.
P.O. Drawer 1030
Bluefield, VA 24605

Scale: As Noted
FATAL HAULAGE ACCIDENT INVESTIGATION REPORT
RAW COAL MINING COMPANY, INC.
CUCUMBER MINE
PERMIT NO. U-4016-94B

GENERAL INFORMATION

A fatal haulage accident occurred at approximately 7:35 a.m. on February 10, 2004, at Raw Coal Mining Company, Inc., Cucumber Mine, located near Cucumber in McDowell County. Mr. Gary S. Addair, age 26, of Iaeger, West Virginia, was fatally injured when the track mounted vehicle he was operating apparently went out of control striking a metal airlock door approximately 130 feet inby the mine’s drift opening portal. The track-mounted vehicle operated by Mr. Addair was also transporting four employees of Raw Coal Mining Company, Inc. and two employees of True Line, Inc.

DESCRIPTION

Raw Coal Mining Company, Inc. was issued a permit to operate the Cucumber Mine in November 2002. Currently, the mine employs a total of 38 people on three shifts. A Supersection with two continuous miners is being operated.

On Tuesday, February 10, 2004, the dayshift crew prepared to enter the mine at approximately 7:30 a.m. Gary S. Addair positioned himself in the operator’s deck of a West Virginia Armature HD battery powered track-mounted vehicle to be used as a mantrip. Six other men boarded the vehicle in the spaces provided at each end of the mantrip. Seated in the left front position of the vehicle was Scott Stinson. Ernest Murray was in the front middle position and James Rambo in the right front position. Seated in the vehicle’s left rear position was Howard Mitchell. Pete Day was seated in the middle position and Roger Fowler was in the right rear position. Departure was delayed momentarily by the late arrival of Rambo and Murray. John Campbell, Sherman Conley, Tommy Green, Marty Daughterty and Tracy Carter boarded a second track-mounted vehicle and intended to follow the first mantrip vehicle to the working section.

Most of the people interviewed indicated that the third shift outside man, Brian Hagy, used an air compressor each morning to blow residue from the sanding device reservoirs on each track-mounted vehicle. Rambo, Murray, Fowler, Stinson and Day were also certain that Mr. Addair filled at least the forward sand reservoirs in the final minutes before departure. No one had any recollection of an actual test of the sanding devices, but Fowler stated that Mr. Addair had checked the braking systems before departure.

The track entry portal was provided with a set of airlock doors. The first door was located within a few feet of the outcrop under the portal canopy and had a switch for opening and closing the door that could be operated on the outside of the portal. This door was said to be open at the time of departure. The second door was located approximately 140 feet inby and there were two switches located approximately 72 feet inside the portal that were used to open and close the first
and second doors. Both doors had been constructed of sheet and channel metal with rubber flaps around the outer edges to facilitate a proper seal. Beginning at a point approximately 25 feet in by the first door the track entry descends at a 21.2% grade for a distance of approximately 20 feet. The dip or grade then averages 10.8% to the second door.

The track-mounted mantrip vehicle operated by Mr. Addair started underground at approximately 7:35 a.m. The general description by all persons aboard the vehicle was that the vehicle started to accelerate when it began its descent toward the second door. Descriptions and/or opinions as to whether the vehicle’s wheels locked up and slid or rolled freely during the descent varied. Campbell, who was a passenger in the other track-mounted vehicle, stated that Mr. Addair was sitting upright as the vehicle entered the mine. Stinson stated that he heard Mr. Addair call out that he “had no brakes” just before the vehicle struck the second door. Stinson, who was positioned in the vehicle’s left front passenger compartment, stated that the door bounced up and over the heads of those in the vehicle’s front compartment. The vehicle then continued for a distance of approximately 250 feet where it made a right turn. The vehicle then continued for approximately 80 feet where it derailed in a left turn. Mr. Addair was found lying atop the outby end of the vehicle with his legs extending down into the operator’s deck. Based on the evidence at the scene, the fatal injuries were caused at the time the vehicle struck the door.

At 7:50 a.m. 911 was called. The Berwind Volunteer Fire Department responded first with an emergency crash truck followed by an ambulance from the McDowell County Ambulance Authority. Attempts to revive Mr. Addair were made by Emergency Medical Technicians from the McDowell County Ambulance Authority. Mr. Addair was transported to Welch Community Hospital where he was pronounced dead on arrival.

**FINDINGS OF FACT**

- The track-mounted vehicle involved in this accident was a West Virginia Armature H D battery powered personnel carrier (Serial Number 200-1451). The vehicle is designed to transport approximately 7-9 people. There were seven people aboard the vehicle at the time of the accident including the operator/victim, Gary S. Addair.

- The vehicle is equipped with hydraulically operated foot and park brakes. An electrical/dynamic brake is also available. The braking systems were found to be operational when inspected and tested by MSHA and OMHST investigators.

- The vehicle’s headlights were found to be inoperative by MSHA and OMHST investigators during the investigation.

- Within five to six hours after the accident, the vehicle’s left front sand reservoir was found to be empty. The right front sand reservoir was found to be approximately one-third full. After the vehicle was re-railed and brought to the surface, the front sand reservoirs were filled with sand. The left front sand reservoir emptied in one minute and fifty-three seconds without
engaging the sanding release device. The right front sand reservoir emptied in two minutes and fifty-three seconds without engaging the sanding release device.

- An electrical safety foot switch (commonly known as a deadman) was installed on this vehicle on January 10, 2004. A second track-mounted vehicle was also provided with the same device on January 13, 2004. When activated the switch de-energizes the electrical panel, tram control, electric/dynamic brake, and sets the park brake. The safety switch controls the park brake by an electrical solenoid, which applies the brake when power is removed from the solenoid by activation of the safety switch. When the vehicle was examined after the accident, it was determined that the brake lines had been disconnected from the electrical solenoid. The brake lines were connected to a manual dump valve in the vehicle’s operating compartment.

- Airlock doors were located in the track entry drift opening. The first door was located under the portal canopy where it connects to the highwall. The second door was located approximately 140 feet inby. Beginning at a point approximately 25 feet inby the first door, the slope of the mine floor descended at 21.2 % for a distance of 20 feet. The slope then averaged 10.8 % to the second door (see Drawings on pages iii and iv).

- The airlock doors were anchored to the mine roof and hinged for their entire length enabling them to be raised by an electric hoist. The airlock doors raised in the inby direction.

- Both airlock doors were constructed of sheet and channel metal with rubber flaps attached to the outer edges for sealing purposes.

- The track rails were wet at the time of the accident.

- According to John Campbell, a passenger in the second vehicle, the victim was sitting upright as his vehicle entered the mine.

CONCLUSION

Gary S. Addair, Roof Bolter/Mantrip Operator, received fatal injuries when he lost control of the track mantrip he was operating and ran through a metal airlock door.

ENFORCEMENT ACTIONS

The following “Notice of Violation” was cited during this investigation and may have contributed to the occurrence of this accident.

Notice of Violation No. 1
22A-2-37(g)
The headlights (front and rear) on the mantrip were not operable at the time they were checked.

The following Notice of Violation was also cited during this investigation. However, it could not be determined if the condition existed prior to this accident or was caused by the derailment.
Notice of Violation No. 2
22A-2-49(e)
The sanding devices on the inby end of the mantrip were not operable at the time they were tested.

RECOMMENDATIONS

1. The track in the drift opening entry was removed, and the mine floor graded to minimize the severity of the slope (see Drawing on page v).

2. The airlock doors were relocated to allow them to be operated at a location where slope is less severe (see Drawing on page vi).

3. Mine management will designate specific individuals to operate mantrips. All operators will receive task and hazard training with respect to the vehicles every three months.

4. Track mounted vehicles at this operation will be upgraded to provide sand reservoirs with larger capacities.

5. An electrical track/spur diversion switch was installed at the bottom of the grade where the track starts over into the belt entry.

ACKNOWLEDGMENT

The West Virginia Office of Miners’ Health, Safety and Training acknowledges the cooperation of Raw Coal Mining Company, Inc., True Line, Inc., Southern Safety and the Mine Safety and Health Administration during this investigation.

Respectfully submitted:

Terry L. Farley, Health and Safety Administrator
5-3-04

Fred B. Stinson, Inspector-at-Large
4-20-04

Bobby J. Thornbury, Electrical Inspector 25
4-27-04
APPENDIX

- Mine Data Sheet
- Victim Data Sheet
- List of Persons Providing Information/or Present During the Investigation
MINE INFORMATION

COMPANY NAME ___________________________ Raw Coal Mining Company, Inc.

MINE NAME _______________________________ Cucumber

WV PERMIT ___________ U-4016-94B _______ MSHA PERMIT NO. _______ 46-08580 _______

ADDRESS _________________________________ P.O. Drawer 1030, Bluefield, VA 24605

COUNTY __________________________ PHONE NUMBER _______ 304-875-2272 _______

DATE PERMIT ISSUED ________________________ November 1, 2002

WORKING STATUS ___________________________ Active

LOCATION _________________________________ Big Creek Hollow near Newhall, WV

UNION __________________ NON-UNION ______ X

DAILY PRODUCTION _________________________ 845 Tons

ANNUAL PRODUCTION TO DATE ____________ 32,075 Tons

TOTAL EMPLOYEES ________________________ 40

NUMBER OF SHIFTS __________________________ 3

NAME OF COAL BED _________________________ Pocahontas No. 3

SEAM THICKNESS ____________________________ 42" Average

ACCIDENT INCIDENT RATE N/A LOST TIME ACCIDENTS None Reported

TYPE OF HAULAGE ___________________________ Belt

WVOMHST INSPECTOR ________________________  Brad Justice 149

DATE OF LAST INSPECTION ___________________ December 18, 2003

NOTIFIED BY _______________________________ Eddie Asbury

TIME OF NOTIFICATION ______________________  8:15 a.m.

CMSP – ANNIVERSARY DATE _______ December 1, 2004 - Renewed November 12, 2003

CMSP – CONTACT PERSON ___________________ Donnie Coleman
VICTIM INFORMATION

NAME OF VICTIM __________ Gary S. Addair

ADDRESS __________ P.O. Box 845, Jailer, WV 24844

AGE __26___ SOCIAL SECURITY NUMBER __________ 1746

TOTAL MINING EXPERIENCE __________ Approximately 4 Years

EXPERIENCE AT THIS MINE __________ 1 Year

AVERAGE NUMBER OF DAYS WORKED PER WEEK __________ 5 Days

AVERAGE NUMBER OF HOURS WORKED PER WEEK __________ 40 Hours PER DAY __________ 8 Hours

LENGTH OF SHIFTS AT MINE __________ 8 Hours TRAVEL TIME TO/FROM WORK __________ 45 Minutes

OCCUPATION AT TIME OF ACCIDENT __________ Mantrip Operator

REGULAR OCCUPATION __________ Roof Bolter

COAL MINER’S CERTIFICATION NUMBER __________ 2-4796 August 8, 2000

OTHER CERTIFICATIONS

SPOUSE’S NAME __________ Jolena L. Addair

DEPENDENTS __________ 4

DATE OF ACCIDENT __________ 10th DAY OF __________ February __________, 2004.

AT __________ 7:35 O’CLOCK a.m.

CAUSE OF ACCIDENT __________ Gary S. Addair was operating the #2 mantrip; and as he entered the mine, the mantrip ran away going through a metal door and pinning him against the top of the mantrip.

INVESTIGATION

The following persons were present during the on-site investigation conducted on February 10, 2004:

RAW COAL MINING COMPANY, INC.

Eddie Asbury
Donnie Coleman
Randy Campbell
John Dillon

Owner/Director
Safety Consultant
Mine Foreman
Section Foreman

TRUE LINE, INC.

Ernest Murray
James Rambo

Engineer
Engineer

MINE SAFETY AND HEALTH ADMINISTRATION

John Pyles
Dave Ratcliff
Harold Hayhurst
Rocky Sperry
John Sylvester

District Supervisor
Supervisor
Investigator
Electrical Inspector
Coal Mine Inspector

WEST VIRGINIA OFFICE OF MINERS’ HEALTH, SAFETY AND TRAINING

Bobby J. Thornsbury
Dwight McClure
Janice Molineaux

Electrical Inspector 25
Roof Control Inspector 31
District Mine Inspector 84
INVESTIGATION

The following persons were present on February 11, 2004, during investigation interviews.

RAW COAL MINING COMPANY, INC.

Eddie Asbury
Howard Mitchell*
Roger Fowler*
Pete Day*
Scott Stinson*
John R. Campbell*
David Baker*
John Dillon*
Randy Campbell
Larry Blankenship
Julia Shreve
Jill M. Ohenchain

Owner/Director
Shuttle Car Operator
Shuttle Car Operator
Continuous Miner Operator
Roof Bolter
Electrician
Supplyman
Section Foreman
Mine Foreman
Electrician
Attorney - Jackson & Kelly
Attorney - Jackson & Kelly

TRUE LINE, INC.

James Rambo*
Ernest Murray *

Engineer
Engineer

*Denotes Persons Interviewed

SOUTHERN SAFETY

Donald R. McGann

Consultant

MINE SAFETY AND HEALTH ADMINISTRATION

Harold Hayhurst
Rocky Sperry
Jim Beha
Jesse Cole
Preston White
Link Self
Gary Clark
Dave Ratcliff
John Sylvester

Investigator
Electrical Inspector
Investigator
Investigator
Safety Instructor
Supervisor
Technical Support
Supervisor
Coal Mine Inspector

WEST VIRGINIA OFFICE OF MINERS’ HEALTH, SAFETY AND TRAINING

Terry L. Farley
Fred B. Stinson
Bobby J. Thornsbury
Dwight McClure

Health & Safety Adm.
Inspector-at-Large
Electrical Inspector 25
Roof Control Inspector 31
INVESTIGATION

The following persons were present during the on-site investigation conducted on February 11, 2004:

RAW COAL MINING COMPANY, INC.

Eddie Asbury  
Larry Blankenship  
John Dillon  
Randy Campbell  

Owner/Director  
Electrician  
Section Foreman  
Mine Foreman

SOUTHERN SAFETY

Donald R. McGann  

Consultant

MINE SAFETY AND HEALTH ADMINISTRATION

Harold Hayhurst  
Rocky Sperry  
Preston White  
Gary Clark  

Investigator  
Electrical Inspector  
Safety Instructor  
Technical Support

WEST VIRGINIA OFFICE OF MINERS’ HEALTH, SAFETY AND TRAINING

Terry L. Farley  
Bobby J. Thornsbury  
Dwight McClure  

Health & Safety Adm.  
Electrical Inspector 25  
Roof Control Inspector 31
INVESTIGATION

RAW COAL MINING COMPANY, INC.

The following persons were present during the on-site investigation conducted on February 12, 2004

Eddie Asbury  Owner/Director
Randy Campbell  Mine Foreman
John Dillon  Section Foreman
Billy Mullins*  Section Foreman
David Baker*  Supplyman
William B. Hagy*  Outside Man
John Campbell*  Electrician
Larry Blankenship*  Electrician

*Denotes Persons Interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Harold Hayhurst  Investigator
Rocky Sperry  Electrical Inspector
Gary Clark  Technical Support

WEST VIRGINIA OFFICE OF MINERS’ HEALTH, SAFETY AND SAFETY

Terry L. Farley  Health & Safety Adm.
Bobby J. Thornsbury  Electrical Inspector 25
NOTICE OF VIOLATION

Company / Operator: Raw Coal Mining Co., Inc. 
Permit Number: U-4216-94B 
Mine Name: Cumber 
Contractor: Yes X No 
Date of Issue: 4-6-2004 Time: 11:00 A.M. X P.M. 

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter _, Article ___, Section ___, and/or West Virginia Administrative Regulation: 

Title: 36, Series 15, Section 4.1 exists as follows: 

An electrical safety foot switch (commonly known as a deadman) was installed on the number 2 track-mounted vehicle. 

When activated, the switch de-energizes the electrical panel, tram control, and electric dynamo brake, and sets the park brake. When examined, it was determined that the system was not maintained as installed. The system had been overridden to the extent that the brake lines had been disconnected from an electrical solenoid that actuates the park brake when power is removed from the solenoid. 

Type of Issuance: N.O.V. Order of Abatement of the Safety Switch. 

Area or equipment (if order is issued): The brake lines had been connected to manual dump valves. 

The foregoing violation shall be totally abated by 20 a.m. ___ p.m. on ___/___/____ 20___

The foregoing violation was totally abated by 20 a.m. ___ p.m. on ___/___/____ 20___

Action taken to abate the violation: 

Company / Operator Agent Served: Randy Campbell

Authorized Representative: Arthur J. Hansburg

Inspector No: 25

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment: 

Likelihood of Occurrence: Unlikely: *0) Reasonably likely (10) X Occurred (20) 

Severity of Injury Expected: None: *0) No lost work days (6) Lost or restricted days (11) X 

Permanently disabling (15) Fatal (20)

No. of Persons Potentially Affected: 0 (0) 1 (1) X 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10) 

Legislative None (0) Low (10) X Moderate (15) High (20) 

Injuring Violation: No X Yes Repeat 

Good Faith in Abatement: Lack of good faith (15%) 

O compliance (extenuating circumstances) (0%) Extra effort (15%)
NOTICE OF VIOLATION

Company / Operator: Raw Coal Mining Co Inc
Permit Number: W-4016-943
Mine Name: Cucumber
Contractor: Yes X No

Date of Issue: ____________ 20 Time: ____________ A.M. P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40(c) and/or West Virginia Administrative Regulation: Title __ Series __ Section __ exists as follows: The Head lights (front and rear) on the mantrop were not operable at the time that they were checked.

Type of Issuance: N.O.V. X Order ______
Area or equipment (if order is issued): ____________

The foregoing violation shall be totally abated by ____________ a.m. p.m. on ____________ 20__
The foregoing violation was totally abated by ____________ a.m. p.m. on ____________ 20__

Action taken to abate the violation: Will be abated when mantrop is returned from shop.

Company / Operator Agent Served: Randy Campbell

Authorized Representative: Bobby J. Schumley
Inspector No. 25

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment: []

Likelihood of Occurrence: Unlikely: *(0) Reasonably likely (10) ___ Occurred (20) X
Severity of Injury Expected: None: *(0) No lost work days *(6) Lost or restricted days (11) ___
   Permanently disabling (15) Fatal (20) X
No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) 3 (4) 4-5 (6) 6-9 (8) ___ 9+ (10) ___
Negligence: None (0) Low (10) Moderate (15) X High (20) ___
Knowing Violation: No ___ Yes ___ Repeat ___
Good Faith in Abatement: Lack of good faith (+15%) ___
No compliance (extenuating circumstances) (0%) ___ Extra effort (-15%) ___
NOTICE OF VIOLATION

Company / Operator: Raw Coal Mining Co., Inc.  
Permit Number: M-4016-943  
Mine Name:  
Contractor: Yes  

Date of Issue: 01/20/2023  
Time: A.M.  

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 72, Article 2, Section 49(c) and/or West Virginia Administrative Regulation:  

device(s) on the inby end of the mantrip were not operable at the time that they were tested.  

Type of Issuance: N.O.V.  
Area or equipment (if order is issued):  

The foregoing violation shall be totally abated by a.m. p.m. on 20  
The foregoing violation was totally abated by a.m. p.m. on 20  
Action taken to abate the violation: will be replaced when mantrip is returned from shop  

Company / Operator Agent Served: Randy Campbell  
Authorized Representative:  
Inspector No. 25  

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.  

VIOULATION ASSESSMENT EVALUATION  

Recommend Special Assessment:  

Likelihood of Occurrence: Unlikely: *(0) Reasonably likely: (10) Occurred: (20)  

Severity of Injury Expected: None: *(0) No lost work days: *(6) Lost or restricted days: (11)  

Permanently disabling: (15) Fatal: (20)  

No. of Persons Potentially Affected: 0 (0) 1 (1) 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10)  

Carelessness: None: (0) Low: (10) Moderate: (15) High: (20)  

Good Faith in Abatement: Lack of good faith: (+15%)  

Compliance with (extenuating circumstances): (0%)  

Extra effort: (-15%)