

State of West Virginia
Office of Miners' Health, Safety & Training
891 Stewart Street
Welch, West Virginia 24801

August 22, 2008

Fatal Coal Truck Haulage Accident

B. & L. Trucking
WV Permit Number C-5543

Region 2 – Welch Office
Fred B. Stinson, Inspector-at-Large

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**FATAL COAL TRUCK HAULAGE ACCIDENT
B. & L. TRUCKING
WV PERMIT NUMBER C-5543**

General Information

A fatal coal truck haulage accident occurred at approximately 11:00 p.m. on August 22, 2008, on the Pumpkin Patch haulroad located near Burke Mountain, Keystone, McDowell County, West Virginia. Mr. Danny L. Jones, Truck Driver, age 38, was fatally injured as he exited the confines of the truck cab during the beginning of descent down the haulroad.

A call was made to the McDowell County 911 Center at 11:26 p.m. on Friday, August 22, 2008 for an ambulance. The McDowell County 911 Center contacted Widener Ambulance Service, and an ambulance was dispatched to the scene. The Mine Industrial Accident Operation Center was contacted by the McDowell County 911 Center, and Fred B. Stinson, Inspector-at-Large, West Virginia Office of Miners' Health, Safety and Training, Region 2, Welch, West Virginia, was notified by the Mine Industrial Accident Operation Center at 11:36 p.m. Fred B. Stinson arrived at the scene at 1:18 a.m. on Saturday, August 23, 2008, and issued a control order on the area and truck. Upon arrival of the Mine Safety and Health Administration officials shortly thereafter, a joint investigation was started.

Description

B. & L. Trucking, an Independent Contracting Company, owned and operated by Lucille Gibson, P.O. Box 129, Varney, West Virginia 25670, was according to testimony, subcontracting by verbal agreement for Appalachian Leasing, Inc., P.O. Box 188, Rocky Gap, Virginia 24366. The purpose of these contractors was to haul coal from various mining operations located on Bluestone Coal Corporation's properties to the Keystone Service Industries' Preparation Plant located at Keystone, West Virginia.

On Friday, August 22, 2008, Truck Drivers, Johnny Ball and Danny Lee Jones (victim), arrived for work at 7:00 p.m. Mr. Ball stated that a pre-operational check was made on both trucks at the shop prior to driving to Double Bonus Coal Company, No. 65 Mine, to begin hauling. Upon completion of having the trucks loaded, the drivers drove back toward the Keystone Service Industries' Preparation Plant.

On their return to the Preparation Plant, Mr. Ball drove the lead truck with Mr. Jones following. Mr. Ball stated that he continued to instruct Mr. Jones by C.B. radio as they traveled along. At one point, Mr. Ball stated that Mr. Jones mentioned the road dust, and he informed Mr. Jones to simply slow down.

Upon their arrival at the top of the hill on the Pumpkin Patch haulroad, Mr. Ball went down the hill and stopped at a point on the hill and waited for Mr. Jones to start his descent. Mr. Ball stated that he observed the truck headlights as Mr. Jones started down the hill, but noticed

that the truck was moving much too fast; and the next thing he knew, Mr. Jones's truck had descended the hill and wrecked. The truck had come to an abrupt stop upon coming in contact with the embankment on the left side of the haulroad. Mr. Ball exited his truck and went to the wrecked truck to check on Mr. Jones. As Mr. Ball observed the situation, he found that Mr. Jones was not in the truck cab, and he could not locate him. At this time, Mr. Ball decided to walk back up the hill to look for Mr. Jones. In walking up the haulroad, Mr. Ball discovered Mr. Jones lying in the ditch four hundred feet from the wrecked truck. It was apparent to Mr. Ball that Mr. Jones had exited his truck and had been run over by the rear wheels of the truck. Mr. Ball walked back to his truck and began calling for help.

The McDowell County 911 Center was notified and an ambulance was dispatched from Widener Ambulance of Northfork, West Virginia, and Mr. Jones was transported to Welch Community Hospital, Welch, WV, where he was pronounced DOA.

Findings of Facts

1. B. & L. Trucking was permitted May 6, 2005, as an Independent Contractor.
2. By testimony it was revealed that B. & L. Trucking made a verbal agreement with Appalachian Leasing to subcontract to haul coal on Bluestone Coal Corporation's properties.
3. B. & L. Trucking began hauling on Bluestone Coal Corporation's properties on January 26, 2008.
4. Appalachian Leasing was permitted January 4, 2008, as an Independent Contractor.
5. Appalachian Leasing operates twenty-five (25) trucks on Bluestone Coal Corporation's properties hauling coal from various mining operations to the Keystone Service Industries' Preparation Plant. Seven (7) mechanics are employed to maintain these vehicles.
6. B. & L. Trucking originally subcontracted to haul coal by the use of three (3) trucks, but only two (2) trucks were being operated at the time of the accident due to a blown motor in the third truck.
7. Mr. Danny L. Jones, victim, attended a Coal Truck Drivers Course on August 19, 2008.
8. Mr. Jones received training given by Instructor Raymond Dawson at Mr. Dawson's training facility located in Bradshaw, McDowell County, WV.
9. Mr. Milton Smallwood, Safety Instructor, employed by the Office of Miners' Health, Safety and Training, administered the Truck Driver Examination on August 20, 2008, at Mr. Dawson's facility.

10. Mr. Jones successfully passed the Truck Driver Examination with a score of 93%.
11. According to testimony, Mr. Danny L. Jones began work for B. & L. Trucking on the evening of August 20, 2008.
12. Mr. Jones rode to work with Mr. Johnny Ball, another employee of B. & L. Trucking, who has been working for this company a total of four (4) months.
13. Normal work schedule for Mr. Jones and Mr. Ball was 6:00 p.m. to 6:00 a.m. daily.
14. According to testimony, Mr. James Earl Collins was assigned as Truck Boss by Ms. Lucille Gibson, Owner of B. & L. Trucking.
15. Mr. James Earl Collins has been employed by B. & L. Trucking for eight (8) months.
16. Mr. Collins stated that on the day of the accident, Mr. Jones and Mr. Ball arrived for work at 7:00 p.m., one hour late.
17. According to testimony, Mr. Danny L. Jones rode as passenger during training in coal trucks driven by Mr. Earl Collins and Mr. Johnny Ball on August 20 and 21, 2008. Mr. Collins task trained Mr. Jones, one trip only!
18. Relative to statements made by Mr. Johnny Ball, Mr. Jones discussed with Mr. Ball during their trip to work that due to family problems, he (Mr. Jones) had not been to bed or gotten any sleep since the day before, August 21, 2008.
19. As to statements made by Mr. Johnny Ball, upon arrival at 7:00 p.m. on the day of the accident, he and Mr. Jones checked their trucks then proceeded on to Double Bonus Coal Company, No. 65 Mine, to haul coal back to the Preparation Plant.
20. Mr. Johnny Ball stated that he and Mr. Jones proceeded slowly and with caution as he informed Mr. Jones by C.B. radio as to the things he needed to watch for as they traveled the haulroads.
21. Mr. Johnny Ball stated that his last contact with Mr. Jones was when Mr. Ball started his descent down the hill on Pumpkin Patch haulroad.

Conclusion

Mr. Danny L. Jones, Coal Truck Driver, was fatally injured by the rear wheels of the RD 600 Mack truck that he was operating when he exited the confines of the truck cab during the beginning of descent down the haulroad.

Recommendations

1. All haulroads and haulage vehicles are to be examined immediately, and all unsafe conditions to be addressed accordingly.
2. The 1978 RD600 Mack truck, VIN Number RD686SX4910, as identified by B. & L. Trucking as truck No. 252, as marked, and identified as truck No. A67 by Appalachian Leasing, shall be restored to meet all manufacture specifications and pass proper inspection before resumption of operation.

Enforcement Action

During a thorough inspection of the 1978 RD600 Mack truck, VIN Number RD686SX4910, as identified by B. & L. Trucking as truck No. 252, as marked, and identified as truck No. A67 by Appalachian Leasing, involved in this accident, the following enforcement actions were taken relative to contributing factors in this accident. Unsafe conditions and/or alterations were:

1. Violation Number 1004: 56-3-42 (42.7) (a)
The Jake brake (engine brake) was being operated by manual means only by the use of an installed toggle switch mounted on the dash panel. A clutch pedal switch was present, but had been bypassed, and there was no accelerator linkage switch found to be present.
2. Violation Number 1010: 56-3-42 (42.3) (b)
The passenger door was secured by the use of a nylon type ratchet strap, and the driver's side door has a 3 1/2 inch barrel bolt type latch welded to the door for securing the door closed. Both conditions would not allow proper exiting of the cab.
3. Violation Number 1054: 56-3-42 (42.3) (a)
No seat belt was provided for the driver.
4. Violation Number 1055: 56-3-42 (42.7) (a)
The shifting rail had been cut in half and the front half of the shifting rail was welded to the front half of the shifting fork which the repair (weld) failed (broke loose) and the transmission would not stay in 4th or 5th gear position without external manual force (held in by hand).
5. Violation Number 21751: 56-3-42 (42.7) (a)
Two installed engine shutdown controls failed to work, in that one control had been disconnected and the other was seized in place (non-functional).
6. Violation Number 21754: 56-3-42 (42.3) (b)
The truck cab was in very poor condition and highly unstable relative to multiple holes, cracks and rust in numerous places, including cab floor board.

7. Violation Number 21757: 56-3-42 (42.1) (a)
There was no record found or made available to indicate that an equipment examination for defects had been made by the equipment operator or anyone else.
8. Violation Number 21758: 56-8-4 (4.1)
This independent contractor has failed to assure that proper implementation of the approved Comprehensive Mine Safety Program has been complied with, in that Component Number One (1) on Page One (1) under *Safety Rules and Procedures*, the company failed to commit to operating in compliance to all applicable state and federal laws to correct deficiencies immediately, provide proper training and supervision and to provide safe working conditions for all employees.

In addition to the previous listed violations issued as contributing factors, the following seventeen (17) violations were issued as non-contributing factors relative to the accident.

1. Violation Number 1002: 56-3-42 (42.4) (a)
No backup alarm was provided on the truck.
2. Violation Number 1003: 56-3-42 (42.7) (a)
No engine start switch was being used. Starting was done by touching two wires together.
3. Violation Number 1005: 56-3-42 (42.3) (b)
The low air pressure warning alarm was not operative, in that it was not connected to the low air sensors. No alarm (buzzer) was found in the system. Also the air gauges indicated 20 psi, although the air tanks were not pressurized.
4. Violation Number 1006: 56-3-42 (42.3) (b)
There was no speedometer present, and the tachometer was found to be inoperative due to the cable being melted by heat.
5. Violation Number 1007: 56-3-42 (42.3) (b)
The check valve on the secondary air tank was found to be defective.
6. Violation Number 1008: 56-3-42 (42.3) (b)
Approximately 3 1/2 gallons of oil/fluid mix was drained from one of the two existing primary air tanks which had a plug installed in a bottom port of the tank and not a proper drain valve as required for daily draining of accumulated fluids.
7. Violation Number 1009: 56-3-42 (42.3) (b)
The braking system slack adjuster on the right front (passenger side) and both sides of the front rear axle was over-stroked (out of adjustment). The slack adjusters on the back rear axle have different setup positions; both sides are in the wrong position.
8. Violation Number 1056: 56-3-45 (45.1) (a)
There was no fire extinguisher provided in the cab of the truck.

9. Violation Number 1057: 56-3-42 (42.7) (a)
A chain was being used to hold the left side fuel tank in place, rather than the required metal strap.
10. Violation Number 1058: 56-3-42 (42.7) (a)
A nylon ratchet strap was being used to hold the rear section of the big air tank in place rather than the required metal strap.
11. Violation Number 1059: 56-3-42 (42.3) (b)
The rear hinge pin on the dump body had excessive slack and no means provided to hold the hinge pin in place.
12. Violation Number 1060: 56-3-42 (42.3) (b)
There was no heater box cover in place over the heater core.
13. Violation Number 21752: 56-3-42 (42.3) (b)
The wiring to the entire lighting system and gauges under the dash panel were found to be in a very poorly maintained condition. Wires were hanging down in an unsecured position.
14. Violation Number 21753: 56-3-42 (42.3) (a)
In excess of one half the brake pad bolts were missing on the right front wheel.
15. Violation Number 21755: 56-3-42 (42.3) (c)
The truck engine was covered with excessive deposits of oil.
16. Violation Number 21756: 56-3-42 (42.3) (b)
Based on the thread condition of the wheel bearing retainer nut, this assembly was not installed properly, thus the entire left wheel was torn loose from the axle during the accident.
17. Violation Number 21759: 56-8-(4) (4.1)
This independent contractor failed to assure that proper implementation of the approved Comprehensive Mine Safety Program has been complied with, in that Component Number Nine (9) on Page Five (5) and Page Six (6) under *Truck Maintenance Program*, no pre-shift checklist and records of daily, weekly, and yearly maintenance and parts records were being kept on the 1978 RD600 Mack truck, VIN Number RD686SX4910.

Acknowledgment

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of B. & L. Trucking and the Mine Safety and Health Administration during this investigation.

Appendix

- Mine Information
- Victim Information
- Interviews
- Drawing/Sketch

Mine InformationCOMPANY NAME B. & L. TruckingMINE NAME Pumpkin Patch HaulroadWV PERMIT C-5543 MSHA PERMIT NO. L-444ADDRESS P.O. Box 129COUNTY McDowell PHONE NUMBER 304-426-5555DATE PERMIT ISSUED 5-6-05WORKING STATUS ActiveLOCATION Bluestone Coal Properties

UNION _____ NON-UNION _____

DAILY PRODUCTION _____

ANNUAL PRODUCTION TO DATE _____

TOTAL EMPLOYEES 4NUMBER OF SHIFTS 1

NAME OF COAL BED _____

SEAM THICKNESS _____

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 0

TYPE OF HAULAGE _____

WVOMHST INSPECTOR Fred B. Stinson

DATE OF LAST INSPECTION _____

NOTIFIED BY Emergency Call Center (State)TIME OF NOTIFICATION 11:36 P.M. August 22, 2008CMSP – ANNIVERSARY DATE January 31, 2009CMSP – CONTACT PERSON Bob Gibson

Investigation/Interviews

Interviews were conducted throughout the investigation with the following persons.

Johnny Ball	Truck Driver	B. & L. Trucking
James Earl Collins	Truck Boss/Mechanic	B. & L. Trucking
Lucille Gibson	Owner/President	B. & L. Trucking
Denise Gibson	Contact Person	B. & L. Trucking
Kenny Compton	General Manager	Appalachian Leasing
Mike Taylor	Manager Truck Garage	Appalachian Leasing
Charles Dunlap	Endloader Operator	Double Bonus Coal Co.
Eddie Ford	Safety Coordinator	Keystone Service Industries
Raymond Dawson	Instructor	DA-King Mine Training