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West Virginia Office of Miners' Health, Safety and Training

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February 6, 2009

Report of Investigation  
Surface Coal Mine Fatality  
(Haulage Accident)

Medford Trucking, LLC, Contractor ID Number C-6067  
Contractor for  
Elk Run Coal Company, Inc. dba Republic Energy  
Republic Energy Surface, Permit Number S-3021-95

Region IV Office  
142 Industrial Drive  
Oak Hill, West Virginia 25901  
Gary S. Snyder, Inspector-at-Large

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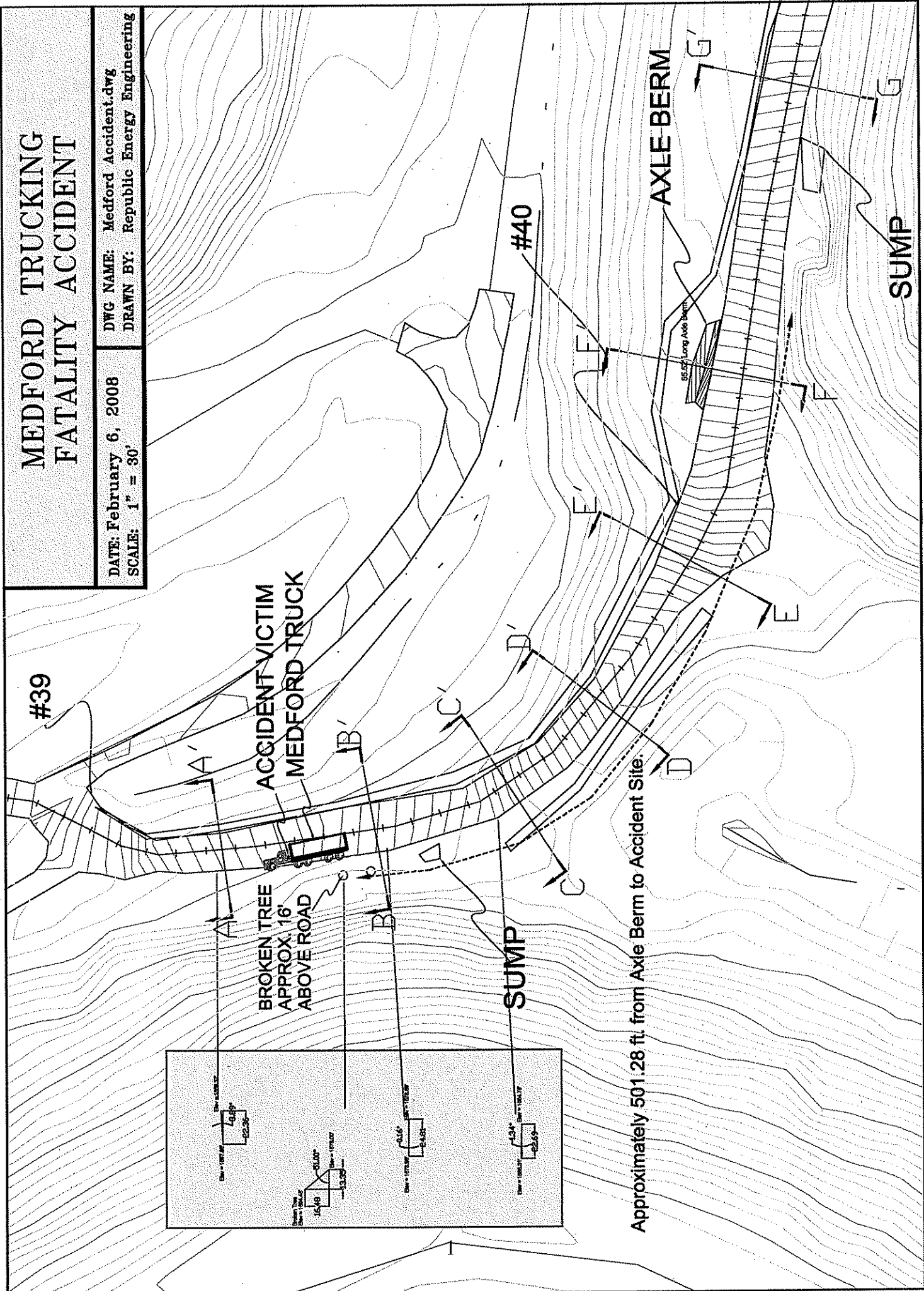
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# MEDFORD TRUCKING FATALITY ACCIDENT

DATE: February 6, 2008

DWG NAME: Medford Accident.dwg

DRAWN BY: Republic Energy Engineering  
SCALE: 1" = 30'



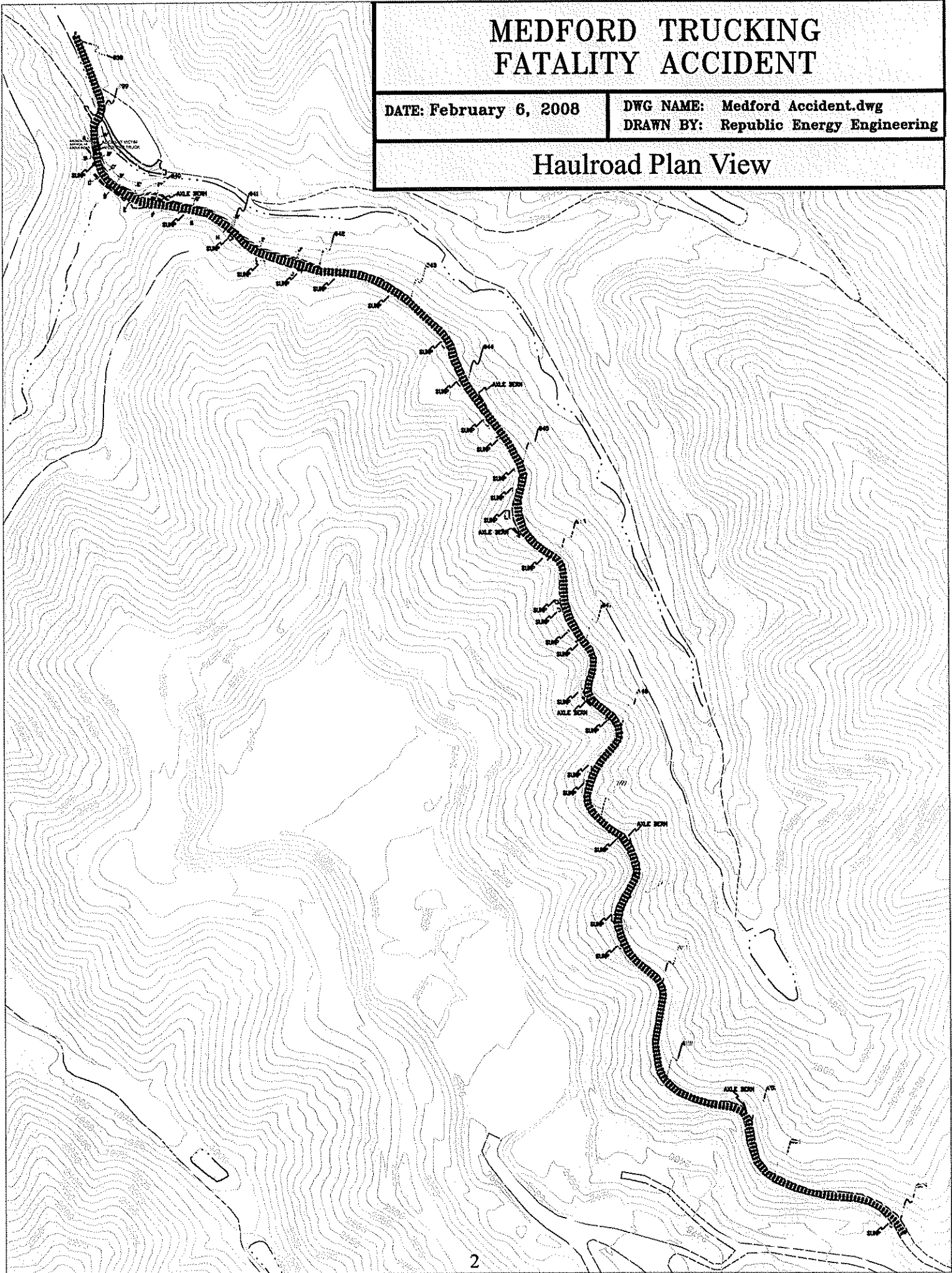
Approximately 501.28 ft. from Axle Berm to Accident Site.

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## Haulroad Plan View



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**GENERAL INFORMATION**

This report is based on an investigation conducted in accordance with Chapter 22A, Article 2, Section 66 of the mining laws of the State of West Virginia.

William D. Wade, an employee of Medford Trucking, LLC, was critically injured in a haulage accident at approximately 9:00 a.m. on February 6, 2009. Mr. Wade was driving a Kenworth tractor-trailer coal truck on the downhill portion of the Cabin Creek haulage road, when he lost control of the vehicle and overturned. Mr. Wade died from the injuries he sustained during the accident.

The West Virginia Office of Miners' Health, Safety and Training, Region IV office, was notified of the accident by the Mine and Industrial Accident Emergency Operations Center at 9:04 a.m. on February 6, 2009. A joint investigation with the Mine Safety and Health Administration was started immediately.

**DESCRIPTION**

The Elk Run Coal Company, Inc. dba Republic Energy, Republic Energy Surface mine is located near Mossy, and is situated in Fayette and Kanawha counties, West Virginia. The surface mine normally operates two (2) ten-hour shifts per day, six (6) days a week and has 236 employees. In addition, several independent contractors are used to perform various duties such as coal haulage, maintenance, blasting, and reclamation/drainage control projects at the mine. Medford Trucking, LLC is one of the independent contractors and normally uses 35 to 40 coal trucks to transport coal from the Republic Energy mine to various coal handling facilities. Medford Trucking, LLC has 115 employees on two (2) shifts, with 35 to 40 employees on each shift assigned to operate coal trucks at Republic Energy Surface mine. Employees normally work 10 to 12 hour shifts.

The shift for the coal truck drivers employed by Medford Trucking, LLC, began normally on February 6, 2009. William D. Wade, the driver of the No. 21 Kenworth tractor trailer began his shift at approximately 3:30 a.m. at the Medford Trucking, LLC truck lot in Belle, West Virginia. Mr. Wade then drove the No. 21 coal truck to the Republic Energy Surface mine and arrived at the security building at 4:55 a.m. After being loaded at the surface mine, Mr. Wade transported his first load of coal to the Mammoth Preparation Plant in Cannelton, West Virginia. The trip from the surface mine to the preparation plant takes approximately one (1) hour. Mr. Wade arrived back at the Republic Energy Surface security building at 7:52 a.m. for his second load of the day. He then drove the No. 21 coal truck to the Chilton Rider pit, located approximately 1.1 mile from the black-topped downhill portion of the Cabin Creek haulage road. His truck was loaded in the pit

at 8:16 a.m. and he then drove to the top of the downhill portion of the haulage road.

Shortly before 9:00 a.m., Mr. Wade began descending the grade and passed an empty tractor-trailer coal truck, driven by Rickey Hovatter, at the No. 46 location marker sign. Mr. Hovatter stated Mr. Wade appeared to be in full control of the No. 21 coal truck as the two trucks passed. As Mr. Hovatter continued up the hill, he stated he heard Mr. Wade say on the CB radio that he was at the No. 43 location marker sign and was having problems with his truck. Mr. Wade's next radio transmission stated he was near the No. 41 location marker sign and was loosing his engine and having brake problems. Another Medford Trucking, LLC truck driver, Arthur Goble, had started his ascent of the Cabin Creek haulage road in his truck and reached the No. 41 location marker sign, when he saw Mr. Wade's coal truck coming down the hill. Mr. Goble stated he heard Mr. Wade on the CB radio say he was having problems with his air pressure. Mr. Goble called on the CB radio and told Mr. Wade to put his coal truck in the ditch or use the axle berm located near the No. 40 location marker sign. Mr. Hovatter heard Mr. Wade tell Mr. Goble to get out of the way.

Joshua Bowe, a truck driver for Roger's Petroleum, had just arrived delivering a load of diesel fuel to the surface mine. Mr. Bowe was between the No. 38 and No. 39 location marker signs, beginning the ascent up the hill, when he heard the conversation between Mr. Wade and Mr. Goble. Mr. Bowe stated Mr. Wade's truck passed him between the No. 39 and No. 40 location marker signs, where he had pulled off to the right side of the road. He estimated Mr. Wade's truck speed between 25 and 30 MPH and it appeared the truck's speed was increasing. Mr. Bowe heard Mr. Wade on the CB radio that he was loosing everything. After Mr. Wade's truck passed the fuel truck, Mr. Bowe saw the coal truck go to the left side of the road and abruptly climb approximately 16 feet up the steep embankment beside the roadway and overturn. The tractor and trailer came to rest on its right side, approximately 100 feet from the fuel truck.

Upon seeing Mr. Wade's truck overturn, Mr. Bowe hurriedly set the park brake on his fuel truck and ran to the overturned vehicle, where he saw the victim pinned beneath the rear of the operator's cab. The operator's cab was resting on the victim's leg and pelvis. Mr. Goble, hearing Mr. Bowe state on the radio the victim's coal truck had overturned, ran to the accident scene. Mr. Goble saw the victim had been ejected from the truck and was conscious, but pinned beneath the truck's cab. Mr. Goble ran down the hill to another empty coal truck that had just arrived and instructed the driver to call for help on the radio. The radio call for aid was answered by EMT's and other personnel from the surface mine. The overturned truck's engine was still running and the drive tires on the No. 21 Kenworth coal truck were turning, indicating the transmission was engaged. One of the workers at the scene broke the driver's side windshield and shut off the truck engine. Upon arrival of the ambulance crew from the Cedar Grove Fire Department, the coal truck was lifted off the victim using air bags, a lifting boom on a mechanic truck, and the bucket lift boom on a Caterpillar 992 end loader. The victim was transported by ambulance to Charleston Area Medical Center, where he was pronounced dead at 10:38 a.m.

**FINDINGS OF FACTS**

1. There were no hazards noted in the preshift/on shift examination book completed by the surface mine foreman on February 6, 2009.
2. The downhill portion of the Cabin Creek haulage road is 9,232.1 feet in length. The haul road has an average slope of 10.35 percent or 5.9 degrees. The condition of the haul road at the time of the accident was damp with no snow or ice present.
3. The victim had a total of 16 years total over-the-road truck driving experience, with 2 ½ months coal mining experience. Mr. Wade was issued a surface coal truck driver certificate on October 27, 2008.
4. The average load being transported by coal trucks being operated by Medford Trucking, LLC at the Republic Surface Mine was 20 tons.
5. The available pre-operational safety check list for the No. 21 tractor-trailer coal truck showed no defects recorded by the victim.
6. The approved pre-operational safety check list was not being used by the Medford drivers as required in their comprehensive mine safety program.
7. The No. 21 Kenworth tractor-trailer coal truck had the service brake air supply reservoir purposely by-passed, therefore reducing the volume of air available for braking.
8. The No. 0843 trailer that was attached to the No. 21 Kenworth coal truck had five (5) of the six (6) brakes not functioning properly. Investigation revealed four (4) of the six (6) brake drums were worn beyond the manufacturer's maximum wear limits, four (4) of the six (6) brake chambers were past the manufacturer's recommended maximum stroke at which the brakes should be re-adjusted. In addition, it was found that one (1) of the brakes had not been functioning prior to the accident.
9. The Kenworth tractor has a 15-speed Road Ranger transmission. During the investigation, the shifting lever was inadvertently placed in the neutral position, making it impossible to determine the gear the transmission was in at the time of the accident.
10. Repairs, including replacement of the oil pan, oil pan gasket, oil pump, oil pick-up tube and engine oil, were made to the engine of the No. 21 Kenworth coal truck in order to test the engine for proper function. Tests on April 2, 2009 showed the engine's air compressor and engine (jake) brake were functioning properly. No malfunctions with the engine were detected during the tests.

## CONCLUSION

On February 6, 2009, coal haulage was being conducted on the Cabin Creek haulage road by Medford Trucking, LLC. William D. Wade, a driver employed by Medford Trucking, LLC, lost control of the No. 21 coal truck he was operating and overturned. Investigation revealed the air brake system on the No. 21 coal truck was not maintained in safe operating condition. It was also apparent the victim was not wearing a seat belt as he was ejected from the operator's cab during the accident. William D. Wade died as a result of the injuries received in the accident.

## ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Title 36, Series 19, Section 7 of the West Virginia Mining Laws in order to preserve the scene of the accident and to complete an investigation. The WV Office of Miners' Health, Safety and Training issued six notices of violation to Medford Trucking, LLC during this investigation. The following violations are considered to have contributed to the accident:

Notice of Violation; WV Code § 22A-1-36(b)

Medford Trucking, LLC (Medford) did not comply with the requirements set forth in its comprehensive mine safety program. During an investigation of a fatal surface mine haulage accident occurring on February 6, 2009, safety defects were found on the No. 21 Kenworth tractor-trailer coal truck. Medford's comprehensive mine safety program required the use of a "Daily Inspection" form that specified 59 different items to be inspected on coal trucks prior to the beginning of each shift. Medford was not using the daily "Inspection Form", and instead had substituted a "Daily Report" form that required only 10 items to be inspected prior to each shift. Medford's substitution of the approved "Daily Inspection" form resulted in undetected safety defects on the No. 21 coal truck. This violation contributed to the accident.

Notice of Violation; WV Code § 22A-1-36(b)

Medford Trucking, LLC (Medford) did not comply with the requirements set forth in its comprehensive mine safety program. During an investigation of a fatal surface mine haulage accident, occurring on February 6, 2009, safety defects were found on the No. 21 Kenworth tractor and the No. 0843 trailer. Medford's comprehensive mine safety program under the "Equipment Maintenance Program" component includes two (2) pages of maintenance criteria for the preventive maintenance program. The maintenance criteria require inspections on the brake drums and proper function of all air brake components. Inspection of the No. 21 coal truck and No. 0843 trailer after the accident, revealed excessive wear to four (4) of the six (6) trailer brake drums and evidence showed the left rear trailer brake had not been functioning prior to the accident. Documents revealed the No. 21 coal truck and No. 0843 trailer were inspected and serviced by maintenance personnel on February 2, 2009. No defects were noted on the maintenance records for February 2, 2009. The defects on the drums and the inoperable left rear trailer brake contributed to the accident.



## Notice of Violation; Title 56, Series 3, Section 42.7(a)

The No. 21 Kenworth tractor-trailer coal truck involved in a fatal surface mine haulage accident on February 6, 2009 was altered or modified in a manner that reduced the level of safety. Investigation revealed that the supply air reservoir tank had been by-passed by re-routing the air hoses from the truck engine compressor directly to the primary and secondary air reservoir tanks. By-passing the supply air reservoir tank reduced the available volume of air used to operate the air brake system on the coal truck thereby reducing the level of safety. It is found that this condition constitutes an imminent danger in accordance with Title 56, Series 3, Section 13.1(a). This violation contributed to the accident.

## Notice of Violation; Title 56, Series 3, Section 42.3(b)

The air brake system on the No. 0843 trailer attached to the No. 21 Kenworth coal truck was not maintained in a safe working condition. This tractor-trailer coal truck was involved in a fatal surface mine haulage accident on February 6, 2009. During inspection, the following defects were found: (1) four of the six air brake canisters on the trailer were beyond the manufacturer's specified stroke length for safe operation; (2) four of the six brake drums on the trailer were worn beyond the manufacturer's maximum wear limits; and (3) the left rear trailer brake was not functioning prior to the accident. The brakes on the three-axle trailer were tested for brake function with the (1) service, (2) parking, and (3) steering column hand brake. During this test five of the six wheels on the trailer could be turned by hand with any or all of the three brake systems applied. It is found that this condition constitutes an imminent danger in accordance with Title 56, Series 3, Section 13.1(a). This violation contributed to the accident.

## Notice of Violation; Title 36, Series 27, Section 10.2

Investigation revealed the driver of Medford Trucking, LLC's No. 21 Kenworth tractor-trailer coal truck, William D. Wade, apparently was not wearing his seat belt at the time of an accident on February 6, 2009. The No. 21 coal truck hauls an average of 20 tons of coal per trip. Evidence indicated Mr. Wade was ejected through the passenger-side door glass during the accident and suffered injuries that resulted in his death. The ejection of the victim would not have occurred had a seat belt been worn. This violation contributed to the accident.

The following violations are not considered to have contributed to the accident:

## Notice of Violation; Title 56, Series 3, Section 42.1(b)

Investigation of a fatal surface mine haulage accident that occurred on February 6, 2009 revealed that a thirty (30) day record of pre-operational examinations for safety defects were not found in the cab of the No. 21 Kenworth tractor-trailer coal truck. The truck is operated two (2) shifts per day. Only ten (10) copies of the pre-operational examinations were found in the No. 21 coal truck. The copies found were from the day shift driver and were located in the driver's lunch box.

Notice of Violation; Chapter 22A, Article 2, Section 67

The independent contractor, Medford Trucking, LLC, (Medford) did not within 24 hours report in writing to the Director and District Mine Inspector the full details of a fatal accident on a form furnished by the Director. A surface mine haulage accident occurred on February 6, 2009 resulting in the death of a Medford employee, William D. Wade. The completed form was received by the West Virginia Office of Miners' Health, Safety and Training on April 17, 2009.

**RECOMMENDATIONS**

In accordance with Title 56, Series 8, Section 9.4 of the WV Mining Rules and Regulations, modifications to the above-referenced comprehensive mine safety program are being required following the investigation of a fatal accident involving William D. Wade that occurred on February 6, 2009. The modifications shall include, but not be limited to, the following: (1) pre-operational safety examination training for all truck drivers, (2) enhanced pre-operational inspections to be conducted by truck drivers (for example: using at least two persons to perform examinations, reporting requirements, etc.) and (3) enhanced equipment maintenance program (for example: equipment inspection frequency, correcting equipment defects, record-keeping etc.).

**ACKNOWLEDGMENT**

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Elk Run Coal Company dba Republic Energy, Medford Trucking, LLC, and the Mine Safety and Health Administration during this investigation.

## **APPENDIX**

- Mine Information Sheet (page 10)
- Contractor Information Sheet (page 11)
- Victim Information Sheet (page 12)

**MINE INFORMATION**

COMPANY Elk Run Coal, Company, Inc, dba Republic Energy

MINE NAME Republic Energy Surface mine

WV PERMIT S-3012-95

ADDRESS Route 1, Box 77, Scarbro, West Virginia 25917

COUNTY Fayette, Kanawha and Raleigh

DATE PERMIT ISSUED August 17, 2004 WORKING STATUS Active

LOCATION near Mossy in Fayette County, near Carbon in Kanawha County

UNION \_\_\_\_\_ NON-UNION Yes

DAILY PRODUCTION 9,000 tons

ANNUAL PRODUCTION TO DATE 2,128, 485 tons (2008) and 254,165 tons (2009)

TOTAL EMPLOYEES 236 NUMBER OF SHIFTS 2

NAME OF COAL BED Multi Seams (5 Block, Clarion, Coalburg, Winifrede, Chilton)

SEAM THICKNESS Varies (1' – 8')

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 0

TYPE OF HAULAGE Coal Truck

WV OMHST INSPECTOR Henry M. Armentrout

DATE OF LAST INSPECTION August 27, 2008

NOTIFIED BY Mine and Industrial Accident Emergency Operations Center

TIME OF NOTIFICATION 9:04 a.m., February 6, 2009

CMSP – ANNIVERSARY DATE August 15, 2009

CMSP – CONTACT PERSON Doug Robinson

**CONTRACTOR INFORMATION**

CONTRACTOR Medford Trucking, LLC

WV PERMIT C-6067 MSHA PERMIT NO. B-106

MAILING ADDRESS 4799 Kanawha Boulevard East, Charleston, WV 25306

COUNTY Kanawha PHONE NUMBER (304) 925-0203

TYPE OF WORK PERFORMED Trucking

WORKING STATUS Active

LOCATION Near Belle, West Virginia

UNION \_\_\_\_\_ NON-UNION Yes

TOTAL EMPLOYEES 115

NUMBER OF SHIFTS 2

ACCIDENT FREQUENCY RATE 0 LOST TIME ACCIDENTS 0

WVOMHST INSPECTOR Henry M. Armentrout

DATE OF LAST INSPECTION 9-29-2008 (Gerald Ellison)

CMSP – ANNIVERSARY DATE February 15, 2010

CMSP – CONTACT PERSON Kevin Medford