



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

# EXCERPTS FROM TITLE 30 PART 77 ADOPTED BY 209a

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING AND RECLAMATION

## § 77.2 Definitions.

For the purpose of this Part 77, the term:

- (a) "Active workings" means any place in a coal mine where miners are normally required to work or travel;
- (d) "Berm" means a pile or mound of material capable of restraining a vehicle;
- (w) "Roll protection" means a framework, safety canopy, or similar protection for the operator when equipment overturns.

## § 77.200 Surface installations; general.

All mine structures, enclosures, or other facilities (including custom coal preparation) shall be maintained in good repair to prevent accidents and injuries to employees.

## § 77.203 Use of material or equipment overhead; safeguards.

Where overhead repairs are being made at surface installations and equipment or material is taken into such overhead work areas, adequate protection shall be provided for all persons working or passing below the overhead work areas in which such equipment or material is being used.

## § 77.204 Openings in surface installations; safeguards.

Openings in surface installations through which men or material may fall shall be protected by railings, barriers, covers or other protective devices.

## § 77.205 Travelways at surface installations.

- (a) Safe means of access shall be provided and maintained to all working places.
- (b) Travelways and platforms or other means of access to areas where persons are required to travel or work, shall be kept clear of all extraneous material and other stumbling or slipping hazards.
- (c) Inclined travelways shall be constructed of nonskid material or equipped with cleats.
- (d) Regularly used travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.
- (e) Crossovers, elevated walkways, elevated ramps, and stairways

shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary toeboards shall be provided.

(f) Crossovers shall be provided where it is necessary to cross conveyors.

(g) Moving conveyors shall be crossed only at designated crossover points.

#### § 77.206 Ladders; construction; installation and maintenance.

(a) Ladders shall be of substantial construction and maintained in good condition.

(b) Wooden members of ladders shall not be painted.

(c) Steep or vertical ladders which are used regularly at fixed locations shall be anchored securely and provided with backguards extending from a point not more than 7 feet from the bottom of the ladder to the top of the ladder.

(d) Fixed ladders shall not incline backwards at any point unless provided with backguards.

(e) Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

(f) Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

#### § 77.207 Illumination.

Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and working areas.

#### § 77.208 Storage of materials.

(a) Materials shall be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

(b) Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

(c) Hazardous materials shall be stored in containers of a type approved for such use by recognized agencies; such containers shall be labeled appropriately.

(d) Compressed and liquid gas cylinders shall be secured in a safe manner.

(e) Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

#### § 77.209 Surge and storage piles.

No person shall be permitted to walk or stand immediately above a reclaiming area or in any other area at or near a surge or storage pile where the reclaiming operation may expose him to a hazard.

#### § 77.210 Hoisting of materials.

(a) Hitches and slings used to hoist materials shall be suitable for handling the type of materials being hoisted.

(b) Men shall stay clear of hoisted loads.

(c) Taglines shall be attached to hoisted materials that require steadying or guidance.

#### § 77.403 Mobile equipment; falling object protective structures (FOPS).

(a) When necessary to protect the operator of the equipment, all rubber-tired or crawler-mounted self-propelled scrapers, front-end loaders, dozers, graders, loaders, and tractors, with or without attachments, that are used in surface coal mines or the surface work areas of underground coal mines shall be provided with substantial falling object protective structures (FOPS). FOPS which meet the requirements of the Society of Automotive Engineers (SAE) Standard J 231 shall be considered to be a "substantial" FOPS. An authorized representative of the Secretary may approve a FOPS which provides protection equivalent to SAE J 231.

(b) When necessary to protect the operator of the equipment, forklift or powered industrial trucks shall be provided with substantial FOPS. Such FOPS shall meet the requirements of the State of California, Division of Industrial Safety, General Safety Orders, Register 72, Number 6, February 8, 1972, Article 25, Section 3655--"Overhead Guards for High-Lift Rider Trucks."

#### § 77.403-1 Mobile equipment; rollover protective structures (ROPS).

(a) All rubber-tired or crawler-mounted self-propelled scrapers, front-end loaders, dozers, graders, loaders, and tractors, with or without

attachments, that are used in surface coal mines or the surface work areas of underground coal mines shall be provided with rollover protective structures (hereinafter referred to as ROPS) in accordance with the requirements of paragraphs (b) through (f) of this section, as applicable.

(b) *Mobile equipment manufactured on and after September 1, 1974.* All mobile equipment described in paragraph (a) of this section manufactured on and after September 1, 1974 shall be equipped with ROPS meeting the requirements of the Department of Labor specified in §§1926.1001 and 1926.1002 of Part 1926, Title 29, Code of Federal Regulations--Safety and Health Regulations for Construction.

(c) *Mobile equipment manufactured prior to September 1, 1974.* All mobile equipment described in paragraph (a) of this section manufactured prior to September 1, 1974 shall be equipped with ROPS meeting the requirements of paragraphs (d) through (f) of this section, as appropriate, no later than the dates specified in paragraphs (1), (2), and (3) of this paragraph (c), unless an earlier date is required by an authorized representative of the Secretary under paragraph (c)(4) of this section:

(1) Mobile equipment manufactured between July 1, 1971, and September 1, 1974, shall be equipped with ROPS no later than March 1, 1975.

(2) Mobile equipment manufactured between July 1, 1970, and June 30, 1971, shall be equipped with ROPS no later than July 1, 1975.

(3) Mobile equipment manufactured between July 1, 1969, and June 30, 1970, shall be equipped with ROPS no later than January 1, 1976.

(4) Irrespective of the time periods specified in paragraph (c) (1) through (3) of this section an authorized representative of the Secretary may require such mobile equipment to be equipped with ROPS at an earlier date when necessary to protect the operator of the equipment under the conditions in which the mobile equipment is, or will be operated. The authorized representative of the Secretary shall in writing advise the operator that the equipment shall be equipped with a ROPS and shall fix a time within which the operator shall provide and install the ROPS. If such ROPS is not provided and installed within the time fixed a notice shall be issued to the operator pursuant to section 104 of the Act.

(5) Nothing in this §77.403-1 shall preclude the issuance of a withdrawal order because of imminent danger.

(d) Except as provided in paragraph (e) of this section, mobile equipment described in paragraph (a) of this section, manufactured prior to September 1, 1974, shall be deemed in compliance with this section if the ROPS is installed in accordance with the recommendations of the ROPS manufacturer or designer. The coal mine operator shall exhibit certification from the ROPS manufacturer or designer in the form of a label attached to the equipment, indicating the manufacturer's or fabricator's name and address, the ROPS model number, if any, the machine make, model or series number that the structure is designed to fit, and compliance with the applicable specification listed in paragraph (c)(1) or (2) of this section, or he shall, upon request of the authorized representative of the Secretary, furnish certification from a registered professional engineer that:

(1) The ROPS complies with the Society of Automotive Engineers (SAE) Standard J 397, "Critical Zone--Characteristics and Dimensions for Operators of Construction and Industrial Machinery" or SAE J 397a, "Deflection Limiting Volume for Laboratory Evaluation of Rollover Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) of Construction and Industrial Vehicles" and the following applicable SAE Standards:

(d)(1)(i) J 320a, "Minimum Performance Criteria for Rollover Protective Structure for Rubber-Tired Self-Propelled Scrapers" or J 320b, "Minimum Performance Criteria for Rollover Protective Structures for Prime Movers"; or

(d)(1)(ii) J 394, "Minimum Performance Criteria for Rollover Protective Structure for Rubber-Tired Front-End Loaders and Rubber-Tired Dozers" or J 394a, "Minimum Performance Criteria for Rollover Protective Structures for Wheeled Front-End Loaders and Wheeled Dozers"; or

(d)(1)(iii) J 395, "Minimum Performance Criteria for Rollover Protective Structure for Crawler Tractors and Crawler-Type Loaders" or J 395a, "Minimum Performance Criteria for Rollover Protective Structures for Track-Type Tractors and Track-Type Front-End Loaders"; or

(d)(1)(iv) J 396 or J 396a, "Minimum Performance Criteria for Rollover Protective Structures for Motor Graders"; or

(d)(1)(v) J 167, "Protective Frame with Overhead Protection--Test Procedures and Performance Requirements"; or

(d)(1)(vi) J 334a, "Protective Frame Test Procedures and Performance Requirements"; or

(2) The ROPS and supporting attachments will:

(d)(2)(i) Show satisfactory performance by actual test of a prototype involving a roll of 720° or more; or

(d)(2)(ii) Support not less than the weight of the vehicle applied as a uniformly distributed horizontal load at the top of the structure and perpendicular to a vertical plane through the longitudinal axis of the prime mover, and support two times the weight of the vehicle applied as a uniformly distributed vertical load to the top of the structure; or

1 Paragraph (d) of § 77.403-1 is based on the ROPS criteria of the U.S. Army Corps of Engineers, Safety General Safety--Requirements EM 385-1-1, Change 1, No. 21, Para. 18.A.20 (March 27, 1972), except that subparagraph (2)(ii) of this paragraph (d) is substituted for Para. 18.A.20e(2) of the Corps requirements.

(d)(2)(iii) Support the following separately applied minimum loads:

(d)(2)(iii)(A) 125 percent of the weight of the vehicle applied as a uniformly distributed horizontal load at the top of the ROPS and perpendicular to a critical plane through the longitudinal axis of the prime mover; and

(d)(2)(iii)(B) A load of twice the weight of the vehicle applied as a uniformly distributed vertical load to the top of the ROPS after complying with paragraph (d)(1)(iii)(A) of this section. Stresses shall not exceed the ultimate strength. Steel used in the ROPS must have capability to perform at 0°F., or exhibit Charpy V-notch impact strength at 8 ft.-lb. at -20°F. with a standard Charpy V-notch Type A specimen and provide 20 percent elongation over two inches in a standard two inch

gauge length on a 0.505 inch diameter tensile specimen. Bolts and nuts shall be SAE grade 8 (reference SAE J 429d, J 429e, J 429f or J 429g and J 995, J 995a or J 995b).

(e) *Mobile equipment manufactured prior to September 1, 1974 meeting certain existing governmental requirements for ROPS.* Mobile equipment described in paragraph (a) of this section, manufactured prior to September 1, 1974 and already equipped with ROPS, shall be deemed in compliance with this section if it meets the ROPS requirements of the State of California, the U.S. Army Corps of Engineers, the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972, or the Occupational Safety and Health Administration, U.S. Department of Labor. The requirements in effect are:

(1) State of California: Construction Safety Orders 1591(i), 1596, and Logging and Sawmill Safety Order 5243, issued by the Department of Industrial Relations pursuant to Division 5, Labor Code §6312, State of California;

(2) U.S. Army Corps of Engineers: Safety--General Safety Requirements, EM-385-1-1 (March 1967);

(3) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971); and

(4) Occupational Safety and Health Administration, U.S. Department of Labor: Safety and Health Regulations for Construction, 29 CFR 1926.1001 and 1926.1002.

(f) Field welding on ROPS shall be performed by welders who are certified by the coal mine operator or equipment distributor as being qualified in accordance with the American Welding Society Structural Welding Code AWS D1.1-73, or Military Standard MIL-STD 248, or the equivalent thereof.

(g) Seat belts required by §77.1710(i) shall be worn by the operator of mobile equipment required to be equipped with ROPS by §77.403-1.

§ 77.403-2 Incorporation by reference.

In accordance with 5 U.S.C. 552(a), the publications to which references are made in §§77.403 and 77.403-1 and which have been prepared by organizations other than the Mine Safety and Health Administration (MSHA), are hereby incorporated by reference and made a part hereof. The incorporated publications are available at each Coal Mine Safety and Health district office of MSHA. The U.S. Army Corps of Engineers, Safety--General Safety Requirements and the Occupational Safety and Health Administration regulations are also available from the U.S. Government Printing Office, Washington, DC 20402. Bureau of Reclamation Safety and Health Regulations for Construction are available from the Bureau of Reclamation, Division of Safety, Engineering and Research Center, Denver, Colorado. SAE documents are available from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. American Welding Society Structural Welding Code D1-1-73 is available from the American Welding Society, Inc., 550 N.W. LeJeune Road, Miami, FL 33126. Military Standard MIL-STD 248 is available from the Information Dissemination (Superintendent of Documents), P.O. Box 371954, Pittsburgh, PA 15250-7954; Telephone: 866-512-1800 (toll free) or 202-512-1800; <http://bookstore.gpo.gov>.

§ 77.404 Machinery and equipment; operation and maintenance.

(a) Mobile and stationary machinery and equipment shall be maintained in safe operating condition and machinery or equipment in unsafe condition shall be removed from service immediately.

(b) Machinery and equipment shall be operated only by persons trained in the use of and authorized to operate such machinery or equipment.

(c) Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

(d) Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

§ 77.405 Performing work from a raised position; safeguards.

(a) Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not

preclude the use of equipment specifically designed as elevated mobile work platforms.

(b) No work shall be performed under machinery or equipment that has been raised until such machinery or equipment has been securely blocked in position.

§ 77.409 Shovels, draglines, and tractors.

(a) Shovels, draglines, and tractors shall not be operated in the presence of any person exposed to a hazard from its operation and all such equipment shall be provided with an adequate warning device which shall be sounded by the operator prior to starting operation.

(b) Shovels and draglines shall be equipped with handrails along and around all walkways and platforms.

§ 77.410 Mobile equipment; automatic warning devices.

(a) Mobile equipment such as front-end loaders, forklifts, tractors, graders, and trucks, except pickup trucks with an unobstructed rear view, shall be equipped with a warning device that--

(1) Gives an audible alarm when the equipment is put in reverse; or

(2) Uses infrared light, ultrasonic waves, radar, or other effective devices to detect objects or persons at the rear of the equipment, and sounds an audible alarm when a person or object is detected. This type of discriminating warning device shall--

(i) Have a sensing area of a sufficient size that would allow endangered persons adequate time to get out of the danger zone.

(ii) Give audible and visual alarms inside the operator's compartment and an audible alarm outside of the operator's compartment when a person or object is detected in the sensing area; and

(iii) When the equipment is put in reverse, activate and give a one-time audible and visual alarm inside the operator's compartment and a one-time audible alarm outside the operator's compartment.

(b) Alarms shall be audible above the surrounding noise levels.

(c) Warning devices shall be maintained in functional condition.

(d) An automatic reverse-activated strobe light may be substituted for an audible alarm when mobile equipment is operated at night.

§ 77.500 Electric power circuits and electric equipment; deenergization.

Power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, except when necessary for troubleshooting or testing.

§ 77.501 Electric distribution circuits and equipment; repair.

No electrical work shall be performed on electric distribution circuits or equipment, except by a qualified person or by a person trained to perform electrical work and to maintain electrical equipment under the direct supervision of a qualified person. Disconnecting devices shall be locked out and suitably tagged by the persons who perform such work, except that in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks or tags shall be removed only by the persons who installed them or, if such persons are unavailable, by persons authorized by the operator or his agent.

§ 77.604 Protection of trailing cables.

Trailing cables shall be adequately protected to prevent damage by mobile equipment.

§ 77.807-1 High-voltage powerlines; clearances above ground.

High-voltage powerlines located above driveways, haulageways, and railroad tracks shall be installed to provide the minimum vertical clearance specified in National Electrical Safety Code: *Provided, however,* That in no event shall any high-voltage powerline be installed less than 15 feet above ground.

§ 77.807-2 Booms and masts; minimum distance from high-voltage lines.

The booms and masts of equipment operated on the surface of any coal mine shall not be operated within 10 feet of an energized overhead powerline. Where the voltage of overhead powerlines is 69,000 volts, or more, the minimum distance from the boom or mast shall be as follows:

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Nominal power line voltage (in 1,000 volts)	Minimum distance (feet)
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69 to 114.....	12
115 to 229.....	15
230 to 344.....	20
345 to 499.....	25
500 or more.....	35

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§ 77.807-3 Movement of equipment; minimum distance from high-voltage lines.

When any part of any equipment operated on the surface of any coal mine is required to pass under or by any energized high-voltage powerline and the clearance between such equipment and powerline is less than that specified in s 77.807-2 for booms and masts, such powerlines shall be deenergized or other precautions shall be taken.

§ 77.1001 Stripping; loose material.

Loose hazardous material shall be stripped for a safe distance from the top of pit or highwalls, and the loose unconsolidated material shall be sloped to the angle of repose, or barriers, baffle boards, screens, or other devices be provided that afford equivalent protection.

§ 77.1002 Box cuts; spoil material placement.

When box cuts are made, necessary precautions shall be taken to minimize the possibility of spoil material rolling into the pit.

§ 77.1003 Benches.

To insure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

§ 77.1004 Ground control; inspection and maintenance; general.

(a) Highwalls, banks, benches, and terrain sloping into the working areas shall be examined after every rain, freeze, or thaw before men work

in such areas, and such examination shall be made and recorded in accordance with s 77.1713.

(b) Overhanging highwalls and banks shall be taken down and other unsafe ground conditions shall be corrected promptly, or the area shall be posted.

#### § 77.1005 Scaling highwalls; general.

(a) Hazardous areas shall be scaled before any other work is performed in the hazardous area. When scaling of highwalls is necessary to correct conditions that are hazardous to persons in the area, a safe means shall be provided for performing such work.

(b) Whenever it becomes necessary for safety to remove hazardous material from highwalls by hand, the hazardous material shall be approached from a safe direction and the material removed from a safe location.

#### § 77.1006 Highwalls; men working.

(a) Men, other than those necessary to correct unsafe conditions, shall not work near or under dangerous highwalls or banks.

(b) Except as provided in paragraph (c) of this section, men shall not work between equipment and the highwall or spoil bank where the equipment may hinder escape from falls or slides.

(c) Special safety precautions shall be taken when men are required to perform repair work between immobilized equipment and the highwall or spoil bank and such equipment may hinder escape from falls or slides.

#### § 77.1007 Drilling; general.

(a) Equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be reported.

(b) Equipment defects affecting safety shall be corrected before the equipment is used.

#### § 77.1008 Relocation of drills; safeguards.

(a) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast placed in a safe position.

(b) When a drill helper is used his location shall be made known to the operator at all times when the drill is being moved.

#### § 77.1009 Drill; operation.

(a) While in operation drills shall be attended at all times.

(b) Men shall not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

(c) Men shall not be on a mast while the drill bit is in operation unless a safe platform is provided and safety belts are used.

(d) Drill crews and others shall stay clear of augers or drill stems that are in motion. Persons shall not pass under or step over a moving stem or auger.

(e) In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

(f) When churn drills or vertical rotary drills are used, drillers shall not be permitted to work under suspended tools, and when collaring holes, inspecting, or during any operation in which tools are removed from the hole, all tools shall be lowered to the ground or platform.

#### § 77.1102 Warning signs; smoking and open flame.

Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

#### § 77.1103 Flammable liquids; storage.

(a) Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association. Small quantities of flammable liquids drawn from storage shall be kept in properly identified safety cans.

(b) Unburied flammable-liquid storage tanks shall be mounted securely on firm foundations. Outlet piping shall be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

(c) Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

(d) Areas surrounding flammable-liquid storage tanks and electric substations and transformers shall be kept free from grass (dry), weeds,

underbrush, and other combustible materials such as trash, rubbish, leaves and paper, for at least 25 feet in all directions.

§ 77.1104 Accumulations of combustible materials.

Combustible materials, grease, lubricants, paints, or flammable liquids shall not be allowed to accumulate where they can create a fire hazard.

§ 77.1105 Internal combustion engines; fueling.

Internal combustion engines, except diesels, shall be shut off and stopped before being fueled.

§ 77.1108 Firefighting equipment; requirements; general.

On and after September 30, 1971, each operator of a coal mine shall provide an adequate supply of firefighting equipment which is adapted to the size and suitable for use under the conditions present on the surface at the mine.

§ 77.1108-1 Type and capacity of firefighting equipment.

Firefighting equipment required under this s 77.1108 shall meet the following minimum requirements:

(a) Waterlines. Waterlines shall be capable of delivering 50 gallons of water a minute at a nozzle pressure of 50 pounds per square inch. Where storage tanks are used as a source of water supply, the tanks shall be of 1,000-gallon capacity for each 1,000 tons of coal processed (average) per shift.

(b) Fire extinguishers. Fire extinguishers shall be:

(1) Of the appropriate type for the particular fire hazard involved;

(2) Adequate in number and size for the particular fire hazard involved;

(3) Replaced immediately with fully charged extinguishers after any discharge is made from an extinguisher; and

(4) Approved by the Underwriter's Laboratories, Inc., or the Factory Mutual Research Corp., or other competent testing agency acceptable to the Mine Safety and Health Administration.

(c) Fire hose. Fire hose and couplings shall meet the requirements of the Underwriter's Laboratories, Inc., or Factory Mutual Research

Corp.'s specifications. Cotton or cotton-polyester jacketed hose shall be treated in accordance with the U.S. Department of Agriculture Forest Service Specification 182 for mildew resistance. The water pressure at the hose nozzle shall not be excessively high so as to present a hazard to the nozzle operator.

§ 77.1109 Quantity and location of firefighting equipment.

Preparation plants, dryer plants, tipples, drawoff tunnels, shops, and other surface installations shall be equipped with the following firefighting equipment.

(c)(1) Mobile equipment, including trucks, front-end loaders, bulldozers, portable welding units, and augers, shall be equipped with at least one portable fire extinguisher.

(2) Power shovels, draglines, and other large equipment shall be equipped with at least one portable fire extinguisher; however, additional fire extinguishers may be required by an authorized representative of the Secretary.

(3) Auxiliary equipment such as portable drills, sweepers, and scrapers, when operated more than 600 feet from equipment required to have portable fire extinguishers, shall be equipped with at least one fire extinguisher.

(d) Fire extinguishers shall be provided at permanent electrical installations commensurate with the potential fire hazard at such installation in accordance with the recommendations of the National Fire Protection Association.

(e) Two portable fire extinguishers, or the equivalent, shall be provided at each of the following combustible liquid storage installations:

(1) Near each above ground or unburied combustible liquid storage station; and,

(2) Near the transfer pump of each buried combustible liquid storage tank.

§ 77.1110 Examination and maintenance of firefighting equipment.

Firefighting equipment shall be continuously maintained in a usable and operative condition. Fire extinguishers shall be examined at least once every 6 months and the date of such examination shall be recorded on a permanent tag attached to the extinguisher.



§ 77.1111 Welding, cutting, soldering; use of fire extinguisher.

One portable fire extinguisher shall be provided at each location where welding, cutting, or soldering with arc or flame is performed.

§ 77.1112 Welding, cutting, or soldering with arc or flame; safeguards.

(a) When welding, cutting, or soldering with arc or flame near combustible materials, suitable precautions shall be taken to insure that smoldering metal or sparks do not result in a fire.

§ 77.1500 Auger mining; planning.

Auger mining shall be planned and conducted by the operator to insure against any hazard to underground workings located at or near such auger operations and all auger holes shall be located so as to prevent:

- (a) The disruption of the ventilation system of any active underground mine;
- (b) Inundation hazards from surface water entering any active underground mine;
- (c) Damage to the roof and ribs of active underground workings; and
- (d) Intersection of auger holes with underground mine workings known to contain dangerous quantities of impounded water.

§ 77.1501 Auger mining; inspections.

(a) The face of all highwalls, to a distance of 25 feet on both sides of each drilling site, shall be inspected by a certified person before any augering operation is begun, and at least once during each coal producing shift and all loose material shall be removed from the drilling site before persons are permitted to enter the drilling area. The results of all such inspections shall be recorded daily in a book approved by the Secretary.

(b) In addition, the face of all highwalls, to a distance of 25 feet on both sides of each drilling site, shall be inspected frequently by a certified person during any auger operation conducted either during or after a heavy rainfall or during any period of intermittent freezing and thawing and the results of such inspections shall be recorded as provided in paragraph (a) of this section.

(c) When an auger hole penetrates an abandoned or mined out area of an underground mine, tests for methane and oxygen deficiency shall be made at the collar of the hole by a qualified person using devices approved by the Secretary to determine if dangerous quantities of methane or oxygen-deficient air are present or being emitted. If such is found no further work shall be performed until the atmosphere has been made safe.

(d) Tests for oxygen deficiency shall be conducted with a permissible flame safety lamp or other means approved by the Secretary and all tests for methane shall be conducted with a methane detector approved by the Secretary.

(e) Internal combustion engines shall not be operated in the vicinity of any auger hole in which tests for methane or oxygen deficiency are being made.

§ 77.1503 Augering equipment; overhead protection.

(a) Auger machines which are exposed to highwall hazards, together with all those parts of any coal elevating conveyors where persons are required to work during augering operations, shall be covered with heavy gage screen which does not obstruct the view of the highwall and is strong enough to prevent injuries to workmen from falling material.

(b) No work shall be done under any overhang and, when a crew is engaged in connecting or disconnecting auger sections under a highwall, at least one person shall be assigned to observe the highwall for possible movement.

§ 77.1504 Auger equipment; operation.

(a) Persons shall be kept clear of the auger train while it is in motion and shall not be permitted to pass under or over an auger train, except where adequate crossing facilities are provided.

(b) Persons shall be kept clear of auger sections being swung into position.

(c) No person, including the auger machine operator, shall, where practicable, be stationed in direct line with a borehole during augering operations.

(d) Operator of auger equipment shall not leave the controls of such equipment while the auger is in operation.

(e) Adequate illumination shall be provided for work areas after dark.

§ 77.1600 Loading and haulage; general.

(a) Only authorized persons shall be permitted on haulage roads and at loading or dumping locations.

(b) Traffic rules, signals, and warning signs shall be standardized at each mine and posted.

(c) Where side or overhead clearances on any haulage road or at any loading or dumping location at the mine are hazardous to mine workers, such areas shall be conspicuously marked and warning devices shall be installed when necessary to insure the safety of the workers.

§ 77.1605 Loading and haulage equipment; installations.

(a) Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

(b) Mobile equipment shall be equipped with adequate brakes, and all trucks and front-end loaders shall also be equipped with parking brakes.

(d) Mobile equipment shall be provided with audible warning devices. Lights shall be provided on both ends when required.

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

(l) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

§ 77.1607 Loading and haulage equipment; operation.

(a) Vehicles shall follow at a safe distance; passing shall be limited to areas of adequate clearance and visibility.

(b) Mobile equipment operators shall have full control of the equipment while it is in motion.

(c) Equipment operating speeds shall be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

(d) Cabs of mobile equipment shall be kept free of extraneous materials.

(e) Operators shall sit facing the direction of travel while operating equipment with dual controls.

(f) When an equipment operator is present, men shall notify him before getting on or off equipment.

(g) Equipment operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

(h) Where possible, aerial tramways shall not be started until the tramway operator has ascertained that everyone is in the clear.

(i) Dust control measures shall be taken where dust significantly reduces visibility of equipment operators.

(j) Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

(k) Men shall not work or pass under the buckets or booms of loaders in operation.

(l) Tires shall be deflated before repairs on them are started and adequate means shall be provided to prevent wheel locking rims from creating a hazard during tire inflation.

(m) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.

(n) Mobile equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or berm, or shall be blocked, when such equipment is parked on a grade.

(o) Lights, flares, or other warning devices shall be posted when parked equipment creates a hazard to vehicular traffic.

(p) Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

(q) Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

(r) Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

(s) When moving between work areas, the equipment shall be secured in the travel position.

(t) Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

(u) Tow bars shall be used to tow heavy equipment and a safety chain shall be used in conjunction with each tow bar.

(x) Persons shall wear safety belts when dropping railroad cars.

(bb) When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire

length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started.

(cc) Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

(dd) Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

(ee) Aerial tram conveyor buckets shall not be overloaded, and feed shall be regulated to prevent spillage.

#### § 77.1608 Dumping facilities.

(a) Dumping locations and haulage roads shall be kept reasonably free of water, debris, and spillage.

(b) Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks shall be dumped a safe distance back from the edge of the bank.

(c) Adequate protection shall be provided at dumping locations where persons may be endangered by falling material.

(d) Grizzlies, grates, and other sizing devices at dump and transfer points shall be anchored securely in place.

(e) If truck spotters are used, they shall be well in the clear while trucks are backing into dumping position and dumping; lights shall be used at night to direct trucks.

#### § 77.1700 Communications in work areas.

No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard, or can be seen.

#### § 77.1701 Emergency communications; requirements.

(a) Each operator of a surface coal mine shall establish and maintain a communication system from the mine to the nearest point of medical assistance for use in an emergency.

(b) The emergency communication system required to be maintained under paragraph (a) of this section may be established by telephone or radio transmission or by any other means of prompt

communication to any facility (for example, the local sheriff, the State highway patrol, or local hospital) which has available the means of communication with the person or persons providing emergency medical assistance or transportation in accordance with the provisions of paragraph (a) of this section.

#### § 77.1707 First aid equipment; location; minimum requirements.

(a) Each operator of a surface coal mine shall maintain a supply of the first aid equipment set forth in paragraph (b) of this section at or near each working place where coal is being mined, at each preparation plant and at shops and other surface installation where ten or more persons are regularly employed.

(b) The first aid equipment required to be maintained under the provisions of paragraph (a) of this section shall include at least the following:

- (1) One stretcher;
- (2) One broken-back board (if a splint-stretcher combination is used it will satisfy the requirements of both paragraph (b)(1) of this section and this paragraph (b)(2));
- (3) Twenty-four triangular bandages (15 if a splint-stretcher combination is used);
- (4) Eight 4-inch bandage compresses;
- (5) Eight 2-inch bandage compresses;
- (6) Twelve 1-inch adhesive compresses;
- (7) An approved burn remedy;
- (8) Two cloth blankets;
- (9) One rubber blanket or equivalent substitute;
- (10) Two tourniquets;
- (11) One 1-ounce bottle of aromatic spirits of ammonia or 1 dozen ammonia ampules; and,
- (12) The necessary complements of arm and leg splints or two each inflatable plastic arm and leg splints.

(c) All first aid supplies required to be maintained under the provisions of paragraphs (a) and (b) of this section shall be stored in suitable, sanitary, dust tight, moisture proof containers and such supplies shall be accessible to the miners.

§ 77.1710 Protective clothing; requirements.

Each employee working in a surface coal mine or in the surface work areas of an underground coal mine shall be required to wear protective clothing and devices as indicated below:

(a) Protective clothing or equipment and face-shields or goggles shall be worn when welding, cutting, or working with molten metal or when other hazards to the eyes exist.

(b) Suitable protective clothing to cover the entire body when handling corrosive or toxic substances or other materials which might cause injury to the skin.

(c) Protective gloves when handling materials or performing work which might cause injury to the hands; however, gloves shall not be worn where they would create a greater hazard by becoming entangled in the moving parts of equipment.

(d) A suitable hard hat or hard cap when in or around a mine or plant where falling objects may create a hazard. If a hard hat or hard cap is painted, nonmetallic based paint shall be used.

(e) Suitable protective footwear.

(f) Snug-fitting clothing when working around moving machinery or equipment.

(g) Safety belts and lines where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

(h) Lifejackets or belts where there is danger from falling into water.

(i) Seatbelts in a vehicle where there is a danger of overturning and where roll protection is provided.

§ 77.1711 Smoking prohibition.

No person shall smoke or use an open flame where such practice may cause a fire or explosion.

§ 77.1713 Daily inspection of surface coal mine; certified person; reports of inspection.

(a) At least once during each working shift, or more often if necessary for safety, each active working area and each active surface installation shall be examined by a certified person designated by the operator to conduct such examinations for hazardous conditions and any hazardous conditions noted during such examinations shall be reported to

the operator and shall be corrected by the operator.

(b) If any hazardous condition noted during an examination conducted in accordance with paragraph (a) of this section creates an imminent danger, the person conducting such examination shall notify the operator and the operator shall withdraw all persons from the area affected, except those persons referred to in section 104(d) of the Act, until the danger is abated.

(c) After each examination conducted in accordance with the provisions of paragraph (a) of this section, each certified person who conducted all or any part of the examination required shall enter with ink or indelible pencil in a book approved by the Secretary the date and a report of the condition of the mine or any area of the mine which he has inspected together with a report of the nature and location of any hazardous condition found to be present at the mine. The book in which such entries are made shall be kept in an area at the mine designated by the operator to minimize the danger of destruction by fire or other hazard.

(d) All examination reports recorded in accordance with the provisions of paragraph (c) of this section shall include a report of the action taken to abate hazardous conditions and shall be signed or countersigned each day by at least one of the following persons:

- (1) The surface mine foreman;
- (2) The assistant superintendent of the mine;
- (3) The superintendent of the mine;
- (4) The person designated by the operator as responsible for health and safety at the mine; or,
- (5) An equivalent mine official.