

**CHAPTER 355****(HB 792)**

AN ACT relating to mining.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 351.010 is amended to read as follows:

- (1) As used in this chapter, unless the context requires otherwise:
  - (a) "Approved" means that a device, apparatus, equipment, *or* machinery, or practice employed in the mining of coal has been approved by the commissioner of the Department of Mines and Minerals;
  - (b) "Assistant mine foreman" means a certified person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein;
  - (c) "Board" means the Mining Board created in KRS 351.105;
  - (d) "Commercial mine" means any coal mine from which coal is mined for sale, commercial use, or exchange. This term shall in no instance be construed to include a mine where coal is produced for own use;
  - (e) "Commission" means the Mine Safety Review Commission created by KRS 351.1041;
  - (f) "Commissioner" means commissioner of the Department of Mines and Minerals;
  - (g) "Department" means the Department of Mines and Minerals;
  - (h) "Drift" means an opening through strata or coal seams with opening grades sufficient to permit coal to be hauled therefrom or which is used for the purpose of ventilation, drainage, ingress, egress, and other purposes in connection with the mining of coal;
  - (i) "Excavations and workings" means the excavated portions of a mine;
  - (j) "Fire boss" (often referred to as mine examiner) means a person certified as a mine foreman or assistant mine foreman who is designated by management to examine a mine or part of a mine for explosive gas or other dangers before a shift crew enters;
  - (k) "Gassy mine." ~~{ means any mine in which there is a record of methane having been ignited, or having been detected with a permissible flame safety lamp, or where methane in the amount of twenty five hundredths percent (0.25%) or more has been found not less than twelve (12) inches from the roof, face, or rib, using approved methane testers or detectors or by analysis. However on and after June 19, 1976,}~~ All mines shall be classified as gassy or gaseous;
  - (l) "Intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than nineteen and one-half percent (19.5%) oxygen, ~~{ nor more than one-half of one percent (0.5%) of carbon dioxide,}~~ no dangerous quantities of flammable gas, and no harmful amounts of poisonous gas or dust;
  - (m) "Licensee" means any owner, operator, lessee, corporation, partnership, or other person who procures a license from the department to operate a coal mine;

- (n) "Mine" means any open pit or any underground workings from which coal is produced for sale, exchange, or commercial use, and all shafts, slopes, drifts, or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with the workings. Workings that are adjacent to each other and under the same management, but which are administered as distinct units shall be considered a separate mine;
  - (o) "Mine foreman" means a certified person whom the licensee or superintendent places in charge of the workings of the mine and of the persons employed therein;
  - (p) "Open-pit mine" shall include open excavations and open-cut workings including, but not limited to, auger operations and highwall mining systems for the extraction of coal;
  - (q) "Operator" means the licensee, owner, lessee, or other person who operates or controls a coal mine;
  - (r) "Permissible" refers to any equipment, device, or explosive that has been approved by the United States Bureau of Mines, the Mining Enforcement and Safety Administration, or the Mine Safety and Health Administration and that meets all requirements, restrictions, exceptions, limitations, and conditions attached to the classification by the approving agency;
  - (s) "Preshift examination" means the examination of a mine or any portion thereof where miners are scheduled to work or travel, which shall be conducted not more than three (3) hours before any on-coming shift;
  - (t) "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible, or pillared workings;
  - (u) "Shaft" means a vertical opening through the strata that is used in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal, or materials;
  - (v) "Slope" means an inclined opening used for the same purpose as a shaft;
  - (w) "Superintendent" means the person who, on behalf of the licensee, has immediate supervision of one (1) or more mines; and
  - (x) "Supervisory personnel" means a person certified under the provisions of this chapter to assist in the supervision of a portion or the whole of the mine or of the persons employed therein.
- (2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.
- (3) The definitions in KRS 352.010 apply also to this chapter, unless the context requires otherwise.

Section 2. KRS 351.090 is amended to read as follows:

- (1) The Governor shall appoint an adequate number of mine inspectors to insure at least two (2) inspections annually, provided the mine is in operation the entire year or the proportionate thereof, of all mines in the Commonwealth and sufficient additional inspectors to enable the commissioner to provide adequate surveillance of coal mines where conditions or management policy dictate that more inspections are needed to insure the safety of miners.

One (1) or more of the appointees may be designated as electrical mine inspectors. The Governor shall also appoint an adequate number of mine safety analysts and mine safety instructors. The term of office of each mine inspector, each mine safety analyst, each electrical inspector, and each mine safety instructor shall be during the period of capable, efficient service and good behavior.

- (2) All mine inspectors, mine safety analysts, electrical inspectors, and mine safety instructors shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, and shall possess thoroughly the knowledge required of the commissioner by KRS 351.060, and shall have a thorough and practical knowledge of mining gained by at least five (5) years' experience in coal mines in the Commonwealth. All surface mine safety analysts shall have at least five (5) years' experience in surface mines in the Commonwealth. For the purposes of this subsection, a degree in mining engineering from a recognized institution shall be deemed equivalent to two (2) years of practical experience in coal mines or an associate degree in mining technology from a recognized institution shall be deemed equivalent to one (1) year practical experience in coal mines. A person desiring to use a mining engineering or technology degree for practical experience credit shall file proof of having received a degree prior to examination.
- (3) No person shall be appointed to the office of mine inspector, underground mine safety analyst, electrical inspector, or mine safety instructor unless he holds a current mine foreman's certificate. No person shall be appointed to the office of surface mine safety analyst unless he holds a current surface mine foreman's certificate. A person appointed as mine inspector, mine safety analyst, electrical inspector, and mine safety instructor shall pass an examination administered by the board. The commissioner may recommend to the Governor applicants for the positions of mine inspector, mine safety analyst, electrical inspector, or mine safety instructor who have successfully passed the examination and are proved by worth, training, and experience to be the most competent of the applicants.
- (4) Mine inspectors, mine safety analysts, electrical inspectors, and mine safety instructors shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.
- (5) No reimbursement for traveling expenses shall be made except on an itemized accounting for the expenses submitted by inspectors, analysts, and safety instructors who shall verify upon oath that the expenses were incurred in the discharge of their official duties.
- (6) Each mine inspector, mine safety analyst, electrical inspector, and mine safety instructor shall take oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate, shall be filed in the office of the Secretary of State.
- (7) Each mine inspector, mine safety analyst, electrical inspector, and mine safety instructor shall give bond with surety approved by the Governor.
- ~~(8) Persons, other than those employed by a company, who by contractual or other rights, perform mine inspection work in any capacity, shall be familiar with mining and possess experience equal to that required of a state mine inspector. They shall also be held responsible for their conduct in the performance of their inspections and related acts. This subsection shall not apply to persons excluded by other laws or those who by agreement with the licensee make mine visits for technical and investigative work.]~~

Section 3. KRS 351.102 is amended to read as follows:

- (1) No person shall be assigned *mining* duties by a licensee as a laborer or supervisor ~~[working for the purpose of mining coal]~~ unless the person holds a valid certificate of competency and qualification or a valid permit as trainee issued in accordance with this section.
- (2) A permit as trainee miner shall be issued by the commissioner to any person who has completed a program of education of a minimum of forty (40) hours for underground mining or *twenty-four (24)*~~[sixteen (16)]~~ hours for surface mining *comprised of sixteen (16) hours of classroom training and eight (8) hours of mine specifics* or who has completed a certified mine technology program and has passed an examination approved by the commissioner. An additional eight (8) hours of mine-specific training shall be administered to the trainee miner by the licensee, which training shall be documented on a form approved by the commissioner. This education and training program shall be determined and established by the board, as provided in KRS 351.106.
- (3) Trainee miners shall work within the sight and sound of a certified miner.
- (4) Any miner holding a certificate of competency and qualification may have one (1) person working with him and under his direction as a trainee miner. Any person certified as a mine foreman or assistant mine foreman shall have no more than five (5) persons working under his supervision or direction as trainee miners for the purpose of learning and being instructed in the duties of underground coal mining.
- (5) A certificate of competency and qualification as a miner shall be issued by the commissioner to any person who has a minimum of forty-five (45) working days' experience within a thirty-six (36) month period as a trainee miner and demonstrated competence as a miner.
- (6) All examinations for the certification of a miner shall be of a practical nature and shall determine the competency and qualification of the applicant to engage in the mining of coal with reasonable safety to himself and his fellow employees. The examination ~~may~~~~[shall]~~ be given orally, *upon approval by the commissioner*, if the miner is unable to read or comprehend a written examination.
- (7) Examinations shall be held in any district office during regular business hours.
- (8) If the commissioner or his authorized representative finds that an applicant is not qualified and competent, he shall notify the applicant not more than ten (10) days after the date of examination.
- (9) Any applicant aggrieved by an action of the commissioner or his authorized representative in failing or refusing to issue a certificate of qualification and competency shall, within ten (10) days of notice of the action complained of, appeal to the commissioner who shall either affirm the action or issue the certificate to the applicant.
- (10) If the applicant is aggrieved by the action of the commissioner, he may appeal to the commission which shall hold a hearing on the matter in accordance with KRS Chapter 13B.
- (11) The applicant may appeal from the final order of the commission by filing in the Franklin Circuit Court a petition for appeal in accordance with KRS Chapter 13B.

Section 4. KRS 351.106 is amended to read as follows:

- (1) The Mining Board shall establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all certified persons. This education and training shall be provided in a manner determined by the commissioner to be adequate to meet the standards established by the board, which shall include as a minimum

the requirements of KRS 351.102 and the requirements of the federal government for the training of miners for new work assignments, and at least *sixteen (16)*~~eight (8)~~ hours of annual retraining and reeducation for all certified persons.

- (2) Beginning with the first full calendar year after the effective date established by the board and during each calendar year thereafter, each certified miner shall receive at least *sixteen (16)*~~eight (8)~~ hours of retraining and reeducation.
- (3) Newly-hired experienced miner training shall satisfy the miner's annual retraining requirement if a time lapse occurs between the miner's last training anniversary date and the next scheduled training anniversary date for the mine where he is newly employed, if the miner has complied with the annual retraining requirements within the last twelve (12) months from the date of his newly hired experienced miner training.
- (4) Retraining and reeducation sessions shall be conducted at times and in numbers to reasonably assure each certified miner an opportunity to attend.
- (5) The licensee shall pay all certified miners their regular wages and benefits while they receive training required by the department.
- (6) Willful failure of a working miner to complete annual retraining and reeducation requirements shall constitute grounds for revocation, suspension, or probation of his certificate.
- (7) If the department discovers a miner working without proper training or the licensee cannot provide proof of training, the miner shall be withdrawn *immediately* from the mine and the licensee shall pay the miner his regular wages until the training is administered and properly documented.
- (8) When employment is terminated, the licensee shall provide the employee a copy of his training records, upon request. If the employee does not request his training records immediately, the licensee shall, within fifteen (15) days, provide the employee with those training records.
- (9) The board may, upon its own motion or whenever requested to do so by the commissioner, deem applicable certificates issued by other states to be proof of training and education equal to the requirements of KRS 351.102 or deem training provided by appropriate federal agencies to be adequate to meet training and education requirements established by the board, if the training and education meet the minimum requirements of this chapter.
- (10) The commissioner may promulgate ~~reasonable~~ administrative regulations necessary to establish a program to implement the provisions of this chapter according to the criteria and standards established by the board. This program shall include, but not be limited to, implementation of a program of instruction and the conduct of examinations to test each applicant's knowledge and understanding of the training and instruction.
- (11) The commissioner shall keep and maintain ~~records of board meetings, activities of the board, and~~ current records on all certified miners, all of which shall be maintained by computer for ready access.
- (12) The commissioner is authorized and directed to utilize state mine inspectors, mine safety instructors, the state mine foreman examiner, private and public institutions of education, and other qualified persons available to him in implementing the program of instruction and examination.

- (13) The commissioner may make recommendations to the board as he may deem appropriate. The commissioner shall provide information to the board at the board's request. The commissioner is authorized and directed to utilize state and federal moneys and personnel that may be available to the department for educational and training purposes in the implementation of the provisions of this chapter.
- (14) All training and education required by this *section*~~{chapter}~~ may be conducted in classrooms, on the job, or in simulated mines.

Section 5. KRS 351.127 is amended to read as follows:

- (1) ~~[Effective January 1, 1997, ]~~A certified emergency medical technician or mine emergency technician shall be employed at every *licensed* coal mine whose employees are *actively* engaged in the extraction, production, or preparation of coal. Persons employed as mine emergency technicians shall be trained in a manner established in an administrative regulation promulgated by the department.
- (2) These emergency medical technicians or mine emergency technicians shall be employed in the following manner:
- (a) One (1) emergency medical technician or mine emergency technician shall be employed on every shift with a workforce of up to fifty (50) employees;
- (b) An additional emergency medical technician or mine emergency technician shall be employed for every additional fifty (50), or any portion thereof, employees per shift who are *actively* engaged in the extraction, production, or preparation of coal.
- (3) If these emergency medical technicians or mine emergency technicians are also employed in other capacities at the coal mine, they shall be available for quick response to emergencies and shall have available to them at all times the equipment necessary to respond to emergencies, as prescribed by the commissioner.
- (4) If the licensee selects existing employees to be trained as emergency medical technicians or mine emergency technicians, the employees selected shall be paid their regular wages during training.
- (5) Certified emergency medical technicians and mine emergency technicians shall receive annual retraining in the manner established in an administrative regulation promulgated by the department, during which they shall receive their regular wages.

Section 6. KRS 351.1291 is amended to read as follows:

- (1) All inexperienced surface coal miners shall complete a *twenty-four (24)*~~[sixteen (16)]~~ hour course of instruction *composed of sixteen (16) hours of classroom training and eight (8) hours of mine specifics that is* devised or approved by the department in subjects including, but not limited to: accident prevention, cutting and welding, equipment operation, fire protection, first-aid methods, ground control and transportation, handling and use of explosives, mine communications, mine electrical safety standards, mining law, including the statutory rights of miners, safety around bins and hoppers, and any other subjects deemed appropriate by the department. For purposes of this section, "inexperienced coal miners" means all persons who have not previously worked at least forty-five (45) days at a surface coal mine in this Commonwealth.
- (2) All surface coal miners shall complete an eight (8) hour course of annual retraining devised or approved by the department in the subjects identified in subsection (1) of this section.

- (3) The commissioner shall certify all surface coal miners who complete the courses of instruction required in subsections (1) and (2) of this section.

Section 7. KRS 351.310 is amended to read as follows:

As used in KRS 351.315 to 351.375 unless the context clearly indicates otherwise:

- (1) "Explosives" means any chemical compound or other substance or mechanical system intended for the purpose of producing an explosion, or that contains oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by detonation may produce an explosion, capable of causing injury to persons or damage to property;
- (2) "Blasting operation" means the use of explosives in the *surface* blasting of stone, rock, ore or any other natural formation, or in any construction or demolition work, but shall not include its use in agricultural operations;
- (3) "Blaster" means a person licensed to fire or detonate explosives in blasting operations;
- (4) "Charge" means a quantity of explosive or equivalent that is to be detonated within a period of five (5) seconds;
- (5) "Subcharge" means a quantity of explosive or equivalent that is to be detonated within a period of less than eight (8) milliseconds;
- (6) "Detonation time" means the time at which the detonation is initiated;
- (7) "Department" means the Department of Mines and Minerals;
- (8) "Commissioner" means the commissioner of mines and minerals.

Section 8. KRS 352.010 is amended to read as follows:

- (1) As used in this chapter, unless the context requires otherwise:
  - (a) "Abandoned workings" means excavations, either caved or sealed, that are deserted and in which further mining is not intended, or open workings which are ventilated and not inspected regularly;
  - (b) "Active workings" means all places in a mine that are ventilated and inspected regularly;
  - (c) "Approved" means that a device, apparatus, equipment, machinery, or practice employed in the mining of coal has been approved by the commissioner of the Department of Mines and Minerals;
  - ~~(d) "Approved safety lamp" means any bonneted lamp that bears the approval plate of the Federal Bureau of Mines, the Mining Enforcement and Safety Administration, or the Mine Safety and Health Administration and is approved by the department;~~
  - ~~(e)~~ "Assistant mine foreman" means a certified person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein;
  - ~~(e)~~~~(f)~~ "Board" means the Mining Board created in KRS 351.105;
  - ~~(f)~~~~(g)~~ "Commercial mine" means any coal mine from which coal is mined for sale, commercial use, or exchange. This term shall in no instance be construed to include a mine where coal is produced for own use;

- (g)~~(h)~~ "Commissioner" means commissioner of the Department of Mines and Minerals;
- (h)~~(i)~~ "Department" means the Department of Mines and Minerals;
- (i)~~(j)~~ "Drift" means an opening through strata or coal seams with opening grades sufficient to permit coal to be hauled therefrom, or which is used for the purpose of ventilation, drainage, ingress, egress, and other purposes in connection with the mining of coal;
- (j)~~(k)~~ "Excavations and workings" means the excavated portions of a mine;
- (k)~~(l)~~ "Face equipment" means mobile or portable mining machinery having electric motors or accessory equipment normally installed or operated in by the last open crosscut in any entry or room;
- (l)~~(m)~~ "Fire boss" (often referred to as mine examiner) means a person certified as a mine foreman or assistant mine foreman who is designated by management to examine a mine or part of a mine for explosive gas or other dangers before a shift crew enters;
- (m)~~(n)~~ "Gassy mine." ~~[- means any mine in which there is a record of methane having been ignited, or having been detected with a permissible flame safety lamp, or where methane in the amount of twenty five hundredths percent (0.25%) or more has been found not less than twelve (12) inches from the roof, face, or rib, using approved methane testers or detectors or by analysis, provided, nevertheless, that on and after June 19, 1976,]~~ All underground mines shall be classified as gassy or gaseous;
- (n)~~(o)~~ "High voltage" means any voltage of one thousand (1,000) volts or more;
- (o)~~(p)~~ "Imminent danger" means the existence of any condition or practice which could reasonably be expected to cause death or serious physical harm before the condition or practice can be abated;
- (p)~~(q)~~ "Inactive workings" shall include all portions of a mine in which operations have been suspended for an indefinite period, but have not been abandoned;
- (q)~~(r)~~ "Intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than nineteen and one-half percent (19.5%) of oxygen, ~~[nor more than one-half of one percent (0.5%) of carbon dioxide,]~~ no dangerous quantities of flammable gas, and no harmful amounts of poisonous gas or dust;
- (r)~~(s)~~ "Licensee" means any owner, operator, lessee, corporation, partnership, or other person who procures a license from the department to operate a coal mine;
- (s)~~(t)~~ "Low voltage" means up to and including six hundred sixty (660) volts;
- (t)~~(u)~~ "Medium voltage" means voltages greater than six hundred sixty (660) and up to nine hundred ninety-nine (999) volts;
- (u)~~(v)~~ "Mine" means any open pit or any underground workings from which coal is produced for sale, exchange, or commercial use, and all shafts, slopes, drifts, or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with the workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered separate mines;



- (v)~~(w)~~ "Mine foreman" means a certified person whom the licensee or superintendent places in charge of the workings of the mine and of persons employed therein;
- (w)~~(x)~~ "Open-pit mine" shall include open excavations and open-cut workings including auger *operations and highwall mining systems*~~mines~~ for the extraction of coal;
- (x)~~(y)~~ "Operator" means the licensee, owner, lessee, or other person who operates or controls a coal mine;
- (y)~~(z)~~ "Permissible" means that any equipment, device, or explosive that has been approved by the United States Bureau of Mines, the Mining Enforcement and Safety Administration, or the Mine Safety and Health Administration meets all requirements, restrictions, exceptions, limitations, and conditions attached to the classification;
- (z)~~(aa)~~ "Preshift examination" *refers to*~~means~~ the examination of an underground mine or part of a mine where miners are scheduled to work or travel, and shall be conducted not more than three (3) hours before any on-coming shift;
- (aa)~~(bb)~~ "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible, or pillared workings;
- (ab)~~(cc)~~ "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal, or materials;
- (ac)~~(dd)~~ "Slope" means an inclined opening used for the same purpose as a shaft;
- (ad)~~(ee)~~ "Superintendent" means the person who, on behalf of the licensee, has immediate supervision of one (1) or more mines;
- (ae)~~(ff)~~ "Supervisory personnel" shall mean a person or persons certified under the provisions of KRS Chapter 351 to assist in the supervision of a portion or the whole of the mine or of the persons employed therein;
- (af)~~(gg)~~ "Tipple or dumping point" means the structure where coal is dumped or unloaded from the mine car into railroad cars, trucks, wagons, or other means of conveyance;
- (ag)~~(hh)~~ "Working face" means any place in a coal mine at which the extraction of coal from its natural deposit in the earth is performed during the mining cycle;
- (ah)~~(ii)~~ "Working place" means the area of a coal mine inby the last open crosscut; and
- (ai)~~(jj)~~ "Working section" means all areas of a coal mine from the loading point to and including the working faces.

- (2) The definitions in KRS 351.010 apply also to this chapter, unless the context requires otherwise.
- (3) Except as the context otherwise requires, this chapter applies only to commercial mines as defined in KRS 351.010.

Section 9. KRS 352.020 is amended to read as follows:

- (1) The ventilation of all underground coal mines shall be produced by means of mechanically operated fans located outside the mine in fireproof housing and offset at least fifteen (15)

feet to one (1) side or above the opening, protected by explosion doors or weak walls and arranged so that ventilating current may be reversed if necessary. The fan shall be installed so as to prevent recirculation of mine air. The main fan shall be operated from a power circuit independent from the mine circuit. If inside auxiliary fans are required to ventilate working places the commissioner must first approve the installation.

- (2) The licensee, superintendent, or foreman of every coal mine worked by shaft, slope, or drift shall provide and maintain for every mine *two (2) separate and distinct escapeways, one (1) of which is vented by the intake air. However, if a mine was originally licensed prior to January 1, 1990, the commissioner may approve an alternate ventilation plan*~~adequate ventilation~~. Each active working section shall be ventilated by a separate split of intake air. In all mines the quantity of air passing through the last open crosscut between the intake and return in any pair or sets of entries shall be not less than nine thousand (9,000) cubic feet of air per minute and as much more as is necessary to dilute and render harmless and carry away flammable and harmful gases. All working faces from which coal is being cut, mined, or loaded in a working section between the intake and return airway entries shall be ventilated with a minimum quantity of three thousand (3,000) cubic feet of air per minute and as much more as is necessary to dilute and render harmless and carry away flammable and harmful gases. The quantity of air reaching the last crosscut in pillar sections may be less than nine thousand (9,000) cubic feet of air per minute if at least nine thousand (9,000) cubic feet of air per minute is being delivered to the intake of the pillar line. The air current shall under any conditions have a sufficient volume and velocity to reduce and carry away smoke from blasting and any flammable or harmful gases. All active underground working places in a mine shall be ventilated by a current of air containing not less than nineteen and one-half percent (19.5%) of oxygen,~~not more than one-half percent (0.5%) of carbon dioxide,~~ and no harmful quantities of other noxious or poisonous gases.
- (3) All mines shall maintain at least nine thousand (9,000) cubic feet of air per minute at the points mentioned in subsection (2) of this section. The commissioner shall have the authority to require additional air in any mine when he deems it necessary for the safety of the employees.
- (4) When the air from a split has passed through and has ventilated all the working places in an air split of a mine it shall then be designated as return air.
- (5) As working places advance, breakthroughs for air shall be made not more than ninety (90) feet apart, except that where longwall or modern systems of mining are used the commissioner *or his authorized representative* may approve a greater distance between breakthroughs or the method of ventilating such longwall or modern systems of mining. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All permanent stoppings shall be substantially built with suitable incombustible or fire resistant material subject to the approval of the mine inspector so as to keep the working places well ventilated. All brattice cloth and ventilation tubing shall be flame resistant. Doors on the main haulways shall be avoided where practicable, and overcasts, built of concrete or other suitable material and of ample strength, shall be adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.
- (6) In a mine where methane can be found to an extent of one percent (1%) or more on the return of any one (1) split, the inspector, with the approval of the commissioner may require the mine to be ventilated by the exhaust system, requiring the haulage roads and all trolley

and feed wires to be located on the intake air and the electrical system to be so arranged that no wires carrying electrical current shall be on return air. A period of not more than ninety (90) days from date of notification shall be allowed to make the changes required.

Section 10. KRS 352.030 is amended to read as follows:

- (1) As many as sixty (60) persons may work in the same air current or split, and with the approval of the mine inspector and the commissioner, as many as eighty (80) persons may work in the same air current. Each active section in a mine shall be ventilated by a separate split of intake air. Every mine, and all portions thereof, shall be ventilated by one (1) or more currents of air, which shall contain not less than nineteen and one-half percent (19.5%) of oxygen, ~~nor more than one-half percent (0.5%) of carbon dioxide,~~ nor any dangerous quantities of ~~flammable~~**flammable** gas, nor any harmful amount of poisonous gases or dust, when the current of air enters into each split. The ventilation shall be sufficient to prevent methane accumulations, so far as practicable, and to keep the methane percentage in the return of any split to not more than two percent (2%).
- (2) The ventilating current shall be circulated through the haulageways, travelways, and airways to reach all portions of the mine, except sealed sections; and it shall be circulated through the entries and rooms around the ends of line brattice and along pillar lines. It shall be conducted to the last breakthrough, or to the working faces if required, by means of stoppings, check doors, curtains, and brattice that may be necessary or required, in order to dilute, render harmless, and carry away the noxious and dangerous gases, smoke, and dust liberated therein, and to supply a sufficient quantity of ventilation for all emergencies. The ventilating current in the area of a mine's belt entries shall be directed to an air return before the ventilating current reaches the face area, unless the department, under certain conditions issues a permit for belt air to be used at the coal face. The department shall render a final written decision within sixty (60) calendar days of receipt of the permit application.
- (3) When mine ventilation, formerly satisfactory and adequate, becomes deficient in quality or quantity, the department shall have authority to order improvement of the ventilation.
- (4) No licensee, superintendent, or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this chapter, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. The repair work shall be done under the constant supervision of a certified official designated by the mine foreman.
- (5) Each licensee shall adopt a plan ~~within sixty (60) days after June 16, 1972,~~ which shall provide that when any mine fan stops, immediate action shall be taken by the licensee or his agent:
  - (a) To withdraw all persons from the working sections;
  - (b) To cut off the power in the mine in a timely manner;
  - (c) To provide for restoration of power and resumption of work if ventilation is restored within a reasonable period, of not more than fifteen (15) minutes, as set forth in the plan after the working places and other active workings where methane is likely to accumulate are reexamined by a certified person to determine if methane in amounts of one percent (1%) or more exists therein; and

- (d) To provide for withdrawal of all persons from the mine if ventilation cannot be restored within a reasonable time, of not more than fifteen (15) minutes.

The plan and revisions thereof approved by the commissioner or his authorized representative shall be set out in printed form and a copy shall be furnished to the commissioner or his authorized representative.

Section 11. KRS 352.090 is amended to read as follows:

- (1) All unused workings and abandoned parts of mines shall be protected by safeguards that will prevent~~[, so far as practicable,]~~ the accumulation or overflow of gas, and all avenues leading thereto shall be so arranged and conducted as to give warning to all persons of the danger of entering, and notice shall be posted warning all unauthorized persons not to enter these parts of the mine. If the area cannot be adequately ventilated, and examined, *or evaluated* it shall be sealed in a timely manner.
- (2) No person, except persons authorized to make examination thereof, shall enter any unused or abandoned part of a mine after the warning has been posted.
- (3) Where the practice is to seal abandoned workings, the sealing shall be done immediately in an effective manner with noncombustible material. In every sealed area, one (1) or more of the seals shall be fitted with a pipe and cap or valve to permit the gases behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure. When required by the mine inspector and commissioner, drill holes shall be extended from the surface to the sealed area, or vent pipes shall be extended from the sealed area to a return air course. Sufficient ventilation shall be provided at each seal to prevent dangerous gases from accumulating.

Section 12. KRS 352.100 is amended to read as follows:

No person shall attempt to enter, explore or survey an abandoned mine or portion thereof without the approval of the mine inspector or the commissioner *and unless he adheres to conditions prescribed by the commissioner.*

Section 13. KRS 352.133 is amended to read as follows:

All underground miners shall be provided with an approved *self-contained* self-rescuer device and shall have that device within twenty-five (25) feet of them at all times *unless the licensee receives approval from the commissioner to store self-contained self-rescuers more than twenty-five (25) feet away from underground miners.* The *self-contained* self-rescuer shall be provided to the miners by the licensee at no cost to the miners.

Section 14. KRS 352.140 is amended to read as follows:

- (1) *Only a certified hoistman*~~[No operator or superintendent of any mine worked by shaft, slope, or incline]~~ shall *be placed*~~[place]~~ in charge of any *mechanism*~~[engine or drum]~~ used for lowering or hoisting any persons employed in the mine~~[any but competent and sober engineers or drum runners]~~. Where automatic elevators are used and all safety devices are provided, the services of a *hoistman*~~[hoisting engineer]~~ are not required. A *certified hoistman*~~[Hoisting engineers and drum runners]~~ shall pass a test as to *his*~~[their]~~ knowledge of hoisting equipment and the precautions to be taken when raising or lowering men or materials. Certification of *hoistmen*~~[hoisting engineers and drum runners]~~ shall be under such conditions and by tests prescribed by the commissioner.

- (2) No *hoistman*~~[engineer]~~ in charge of such machinery shall allow any person except such as may be designated for this purpose by the operator or superintendent to interfere with any part of the machinery.
- ~~(3) [No person shall interfere with or intimidate the engineer or drum runner in the discharge of his duties.]~~
- ~~(4) [~~In a mine worked by shaft, slope, or incline, no more than twenty (20) persons shall ride in any cage or car at one (1) time, without the approval of the mine inspector and the commissioner of the department, and no person shall ride on a loaded cage or car, except that where special man-cars or cages are employed to haul workmen on inclines the commissioner may regulate the method and procedure of handling of man-cars, cages, and workmen. Each cage or elevator installed after June 16, 1972, which is used for lowering and raising men shall have at least two and one-half (2-1/2) square feet of floor space for each person.~~]~~

Section 15. KRS 352.150 is amended to read as follows:

- (1) After June 16, 1972, on single-track haulage roads in mines, which the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be places of refuge on one (1) side not less than five (5) feet in depth from the side of the mine car, and five (5) feet wide, and not more than ninety (90) feet apart. Refuge holes of the same dimensions shall also be provided at switch throws.
- (2) Special places of refuge are not required on haulage roads on which room necks or breakthroughs occur at regular intervals not exceeding ninety (90) feet, and thus furnish places of refuge, or on haulage roads in which the track is so laid as to give a minimum clearance on one (1) side of not less than thirty (30) inches from the side of any haulage engine or any mine car, the clearance to be on the side of the road opposite that upon which electric wires are strung, if electric wires are strung in the road.
- (3) No unauthorized person shall travel on foot to or from work upon any haulage road or slope where transportation is by track, when other roads in proper condition for travel are available.
- (4) On all main haulage roads where hauling is done by machinery the mine foreman shall provide a proper system of signals, and a conspicuous light or marker approved by the commissioner on the front and rear of every trip or train of cars when in motion in the mine.
- (5) Man-trips shall be operated at safe speeds consistent with the condition of roads and type of equipment used and shall be so controlled that they can be stopped within the limits of visibility, in no event at a speed in excess of twelve (12) miles per hour.
- (6) Each man-trip consisting of more than one (1) mine car of men shall be under the charge of a certified official, and it shall be operated independently of any loaded trip of coal or other material.
- (7) Cars on the man-trip shall not be overloaded, and sufficient cars in good mechanical condition shall be provided.
- (8) No person shall ride under the trolley wire unless suitably covered man-cars are used.
- (9) No material or tools except small hand tools shall be transported in the same car with men on any man-trip unless in a separate, enclosed compartment of the car, and all persons shall ride inside of man-trip cars, except the motorman and brakeman or trip rider.

- (10) Men shall not load or unload before the cars in which they are to ride or are riding come to a full stop, and men shall proceed in an orderly manner to and from man-trips.
- (11) A waiting station shall be provided where men are required to wait for man-trips or man-cages. It shall have sufficient room, ample clearance from moving equipment, and adequate seating facilities.
- (12) Trolley and power wires shall be guarded effectively at man-trip stations where there is a possibility of any person coming in contact with energized electric wiring while loading or unloading from the man-trip.
- (13) Cars used for transporting men on slopes shall be equipped with a safety device capable of stopping the trip in event of failure of the rope or couplings. The device shall be approved by the commissioner.
- (14) Where belts are used for transporting men, *unless the commissioner finds that a safety hazard exists which cannot be corrected, the belt transport will be allowed and* a minimum clearance of eighteen (18) inches shall be maintained between the belt and the roof or cross bars, projecting equipment, cap pieces, overhead cables, wiring, and other objects; but where the height of the coal bed permits, the clearance shall not be less than twenty-four (24) inches.
- (15) Unless a greater speed is allowed by special permission from the commissioner, in which event the conditions, limitations, and rules imposed in connection with the grant of permission shall be observed, the belt speed shall not exceed two hundred fifty (250) feet per minute where the minimum overhead clearance is eighteen (18) inches, or three hundred (300) feet per minute when the minimum overhead clearance is twenty-four (24) inches, while men are loading, unloading, or being transported.
- (16) The space between men riding on a belt line shall not be less than six (6) feet.
- (17) Loading and unloading stations shall be illuminated properly.
- (18) A certified official or some other supervisory personnel appointed by the mine foreman shall supervise all man-trips.
- (19) At all mines utilizing track haulage or transportation, there shall be developed a safe and uniform system of traveling through all switch points to prevent collisions. This system shall be designed in a manner which ensures that all persons can determine who has the right of way in all circumstances. Information concerning this system shall be included in annual retraining.
- (20) Efficient equipment, either mobile or self-propelled, equipped with sufficient first-aid equipment and supplies, shall be available on all underground sections where men are present to transport injured workers to the surface.
- (21) At those mines that do not have a contract or other arrangement for providing ambulance service, a 4-wheel-drive vehicle or other vehicle suitable to the terrain equipped with sufficient first-aid equipment and supplies shall be available to the mines or preparation facilities for the transportation of injured workers. At those mines that have a contract or other arrangement for providing ambulance service, the access road to the mine or preparation facility shall be kept in a condition which is passable by the ambulance vehicle.
- (22) The commissioner shall be empowered to draft additional administrative regulations providing for transportation of men when necessary.

Section 16. KRS 352.170 is amended to read as follows:

- (1) ~~Within six (6) months after June 16, 1972,~~ All underground mines shall be worked exclusively by the use of approved electric lamps for personal lighting.
- (2) ~~Flame safety lamps and approved electric lamps shall be in charge of some person designated by the licensee or superintendent. Two (2) flame safety lamps shall be kept at every coal mine whether the mine liberates explosive gas or not, if the mine inspector and the commissioner deem it desirable.~~ All mine foremen and fire bosses employed in ~~gassy~~ mines shall ~~at all times,~~ carry ~~an~~ approved **gas detection devices** ~~flame safety lamp or other approved device~~ for the purpose of detecting the presence of explosive and dangerous gases ~~and~~ ~~or~~ deficiencies of oxygen.
- (3) No person shall at any time carry into any mine any intoxicants. No person shall at any time enter any underground mine with matches, pipes, cigars, cigarettes, or any device for making lights or fire not authorized or approved, and the licensee shall at frequent intervals search, or cause to be searched, any person entering or about to enter the mine or inside the mine, to prevent the person from taking, carrying, or using the articles therein.

Section 17. KRS 352.241 is amended to read as follows:

- (1) Explosives or detonators carried anywhere underground by any person shall be in containers constructed substantially of nonconductive material, maintained in good condition, and kept closed.
- (2) When explosives or detonators are transported underground in cars moved by means of a locomotive or rope, or in shuttle cars, they shall be in substantial covered cars or in special substantial covered containers used specifically for transporting detonators or explosives:
  - (a) The bodies and covers of the cars and containers shall be constructed or lined with nonconductive material;
  - (b) If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a four (4) inch substantially fastened hardwood partition or the equivalent;
  - (c) Explosives, detonators, or other explosive items shall not be transported on the same trip with men;
  - (d) When explosives or detonators are transported in special cars or containers in cars, they shall be hauled in special trips not connected to any other trip. However, this does not prohibit the use of the additional cars as needed to lower a rope trip, or to haul supplies including timbers. Materials so transported shall not project above the top of the car. Exposed highly flammable materials such as ~~hay,~~ oil ~~,~~ or grease shall not be hauled on the same trip with explosives; and
  - (e) Explosives or detonators shall not be hauled into or out of a mine within five (5) minutes preceding or following a man trip or any other trip.
- (3) Explosives and detonators shall be transported underground by belt only under the following conditions:
  - (a) In the original and unopened case, in special closed cases constructed of nonconductive material, or in suitable individual containers;
  - (b) Clearance requirements shall be the same as those for transporting men on belts;

- (c) Suitable loading and unloading stations shall be provided; and
  - (d) Stop controls shall be provided at loading and unloading points, and an attendant shall supervise the loading and unloading of explosives and detonators.
- (4) Neither explosives nor detonators shall be transported on flight or shaking conveyors, scrapers, mechanical loading machines, locomotives, cutting machines, *track drills*~~[drill tracks]~~, or any self-propelled mobile equipment. However, this does not prohibit the transportation of explosives or detonators in special substantial covered containers as used in subsection (2) of this section in shuttle cars or in equipment designed especially to transport explosives or detonators.
- (5) When supplies of explosives and detonators for use in one (1) or more sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five (25) feet from roadways and power wires, and in a reasonably dry, well-rock-dusted location protected from falls of roof. In pitching beds, where it is not possible to comply with the location requirement, the boxes shall be placed in niches cut into the solid coal or rock.
- (6) When explosives or detonators are stored in the section, they shall be kept preferably in separate boxes or magazines not less than five (5) feet apart; if kept in the same box or magazine, they shall be separated by at least a four (4) inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight (48) hour supply of explosives or detonators shall be stored underground in any one (1) section in the boxes or magazines.
- (7) Explosives and detonators stored near the working faces shall be in separate closed containers, and shall be in a location out of line of blast not less than fifty (50) feet from the face and fifteen (15) feet from any pipeline, powerline, rail, or conveyor; except that if kept in niches in the rib, the distance from pipeline, powerline, rail, or conveyor shall be at least fifteen (15) feet. Explosives and detonators, when stored, shall be separated by a distance of at least ten (10) feet.
- (8) Explosives and detonators shall be kept in their containers until immediately before use at the working faces.
- (9) Only nonmetallic tools shall be used for opening wooden explosives containers. Tools or other materials shall not be stored with explosives or detonators.
- (10) All explosives used underground in underground mines except in sinking shafts and slopes from the surface shall be of the permissible type, specifically designed and manufactured for underground use, and shall be used as follows:
- (a) Fired only with electric detonators of proper strength;
  - (b) Fired with a permissible shot-firing unit of adequate capacity to fire all caps; however, if firing is done from the surface when all men are out of the mine, the firing unit does not need to meet specifications of permissibility;
  - (c) Where the coal is cut, shots shall not be fired if the blast hole is drilled beyond the limits of the cut;
  - (d) Boreholes shall be cleaned, and they shall be checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged;



- (e) All blasting charges shall have a burden of at least eighteen (18) inches in all directions if the height of the seam permits;
- (f) Boreholes shall be stemmed with at least twenty-four (24) inches of incombustible material, or at least one-half (1/2) of the length of the hole shall be stemmed if the hole is less than four (4) feet in depth unless other permissible stemming devices or methods are used;
- (g) Examinations for gas shall be made immediately before firing each shot or group of multiple shots and after blasting is completed;
- (h) Shots shall not be fired in any place where methane **greater than one percent (1%)** can be detected with **approved gas detection devices**~~[a flame safety lamp or other approved device]~~ when tested at a point not less than twelve (12) inches from the roof, face or rib;
- (i) Charges exceeding one and one-half (1-1/2) pounds, but not exceeding three (3) pounds, shall be used only if boreholes are six (6) feet or more in depth, the explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other and with the end cartridges touching the back of the hole and the stemming respectively. However the three (3) pound limit does not apply to special solid rock work if the mine is evacuated or if approved by the department;
- (j) Shots shall be charged and fired by certified shotfirers designated by the mine foreman;
- (k) Boreholes shall not be charged while any other work is being done at the face, and the shot or shots shall be fired before any other work is done in the zone of danger from blasting except that which is necessary to safeguard the employees;
- (l) Only nonmetallic tamping bars shall be used for charging and tamping boreholes. This does not prohibit the use of a nonmetallic tamping bar with a nonsparking metallic scraper on one (1) end;
- (m) The leg wires of electric detonators shall be kept shunted until ready to connect to the firing cable;
- (n) Shots shall not be fired from the power of signal circuit while any men are in the mine;
- (o) The roof and ribs of working places shall be tested before and after firing each shot or group of multiple shots;
- (p) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through;
- (q) Mixed types or brands of explosives shall not be charged or fired in any borehole;
- (r) Mudcaps (adobes) or other unconfined shots shall not be fired underground in a mine;
- (s) Before blasting, the continuity of the blasting circuits shall be tested with a permissible blaster's galvanometer specifically designed for this purpose;
- (t) No instantaneous detonator shall be connected in a circuit containing short-period delay detonators. The first charge in a sequence shall be initiated by a short period

delay detonator having a nominal delay period of not less than twenty-five (25) milliseconds;

- (u) All short period delay detonators shall be wired in series;
  - (v) Each primer shall be made with care to insure that the detonator is inserted properly and does not protrude from the wrapping and that the leg wires are secured to the cartridge in a manner so that the detonator will not become dislodged in handling and charging;
  - (w) In making a primer, a powder punch of nonsparking material shall be used. The hole in the cartridge shall be at least one-half (1/2) inch deeper than the detonator used. Rolling the end of a cartridge to receive a detonator is prohibited;
  - (x) The primer shall be placed in the borehole first pointing outward and the rest of the charge shall be pushed in a continuous train to the back of the borehole to prevent cuttings from getting between the cartridges; and
  - (y) Suitable clean-up of loose coal and coal dust with adequate rock-dusting or wetting down at the face of each working place shall be completed prior to charging shot holes.
- (11) Blasting cables shall be:
- (a) Well insulated and as long as may be necessary to permit the shotfirer to get in a safe place around a corner;
  - (b) Short-circuited at the battery end until ready to attach to the blasting unit;
  - (c) Staggered as to length or the ends kept well separated when attached to the detonator leg wires; and
  - (d) Kept clear of power wires and all other possible sources of active or stray electric current.
- (12) Where misfires occur with electric detonators, a waiting period of at least five (5) minutes shall elapse before anyone returns to the shot. After the failure, the blasting cable shall be disconnected from the source of power and the battery ends short-circuited before electric connections are examined.
- (13) Explosives shall be removed by firing a separate charge at least two (2) feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out.
- (14) A very careful search of the working place, and, if necessary, of the blasted material after it reaches the surface shall be made after blasting a misfired hole, to recover any undetonated explosive.
- (15) The handling of a misfired shot shall be under the direct supervision of the mine foreman or a competent person designated by him.
- ~~(16) Where compressed air is used for blasting or breaking coal, the following shall apply:~~
- ~~(a) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel airlines tested to withstand an approximate pressure of twenty thousand (20,000) pounds per square inch;~~

- (b) ~~Air lines shall be grounded at the compressor and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track;~~
- (c) ~~Shutoff valves shall be installed every one thousand (1,000) feet in all compressed air blasting lines and in all branch lines at a point near the main lines;~~
- (d) ~~Compressed air blasting lines shall be protected at places where equipment passes over, under, or adjacent to them;~~
- (e) ~~Steel, copper, or other lines shall not be handled or repaired when air pressure is in the line;~~
- (f) ~~Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found;~~
- (g) ~~Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization;~~
- (h) ~~Blowdown valves shall not be less than forty five (45) feet from the face and shall be around a right angle;~~
- (i) ~~Holes for compressed air tubes shall be within the limits of the cut;~~
- (j) ~~When blowdown valves are opened to discharge the tube, they shall remain open until time to place the tube in the next borehole except where shear strip or shear pin tubes are used;~~
- (k) ~~After breaking down the coal in any one (1) place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place;~~
- (l) ~~When a differential pressure type tube fails to discharge, the line leading to the tube shall be disconnected at the blowdown valve, and the tube shall be dragged by means of the line to an inactive place, marked with warning signs, and left one (1) hour before any repair work is done thereon; and~~
- (m) ~~All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle while coal breaking is in progress.]~~

Section 18. KRS 352.280 is amended to read as follows:

In all mines the licensee or superintendent shall employ one (1) or more ~~certified fire bosses or other~~ properly certified persons. ~~A~~ ~~The fire boss or other~~ properly certified person shall examine carefully within three (3) hours before each shift enters the mine, every working place, all places adjacent to live workings, every roadway where persons are required to work or travel, all abandoned panels on the intake, every *set of seals* ~~seal~~ on the intake, and all roof falls near active workings on the intake and on the working sections. Before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use ~~an~~ approved *gas detection devices* ~~safety lamp or other approved device~~. ~~A~~ ~~The fire boss or other~~ properly certified person shall examine for all dangers in all portions of the mines under his charge, and after examination he shall leave at or as close as possible to the face of every place examined the date and time of the examination and his initials as evidence that he has performed

his duty. He shall also examine the entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate, and he shall place a danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause. The signal shall be sufficient warning for persons not to enter. When the mine is idle and workmen are required to go into the mine, the section, portion, or part of the mine entered must be inspected by a ~~fire boss or other~~ properly certified person within three (3) hours before the workmen enter. Each week, **a properly**~~the fire boss or some other~~ certified person designated by the mine foreman shall examine each **set of seals**~~seal~~ on the return, all **designated**~~main~~ intake and return entries, and all escapeways.

Section 19. KRS 352.371 is amended to read as follows:

Whenever any working place approaches within fifty (50) feet of abandoned areas in the mine as shown by surveys made and certified by a registered engineer, or within two hundred (200) feet of any other abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred (200) feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty (20) feet in advance of the working face of the working place and shall be continually maintained to a distance of at least ten (10) feet in advance of the advancing working face. When there is more than one (1) borehole, they shall be drilled sufficiently close to each other to insure that the advancing working face will not accidentally hole through into abandoned areas or adjacent mines. Boreholes shall also be drilled not more than eight (8) feet apart in the rib of the working place to a distance of at least twenty (20) feet and at an angle of forty-five (45) degrees before additional cuts are taken. Rib holes shall be drilled in one (1) or both ribs of the working place as may be necessary for adequate protection of miners in such place. ***Alternative plans which afford equal or greater protection may be approved by the commissioner or his authorized representative.***

Section 20. KRS 352.400 is amended to read as follows:

- (1) The licensee of any mine may adopt special rules consistent with KRS Chapter 351 and this chapter for the government and operation of his mine, and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect they shall be approved in writing by the commissioner. ~~The rules, when adopted and approved in writing by the commissioner, shall be printed on cardboard in the language spoken by seventy five percent (75%) or more of the employees at the mine, and shall be posted on a bulletin board or some other conspicuous place about the mine where they may be seen by the employees at the mine. Before the rules are so adopted, approved and posted, the representative of the employees at the mine shall be given a copy thereof, and be deemed to have agreed thereto, before the employees are required to obey the rules.~~
- (2) The mine rules shall be printed in a form prescribed by the commissioner.
- (3) The licensee shall furnish each employee a copy of the mine rules, and each employee shall sign a statement indicating his receipt of a copy of the rules and his agreement to comply with them.
- (4) The mine rules shall be included in the subjects taught during annual retraining of the mine's employees.

Section 21. KRS 352.410 is amended to read as follows:

- (1) Each superintendent shall, on behalf and at the expense of the *licensee*~~[operator]~~, keep on hand at or within convenient distance of the mine, not to exceed 500 feet, a sufficient quantity of all materials and supplies required to preserve the safety of employees, as ordered by the mine foreman and required by law. If the superintendent cannot procure the necessary materials or supplies, he shall at once notify the mine foreman, who shall withdraw the men from the mine until the materials or supplies are received.
- (2) The superintendent shall, at least once each week, read and examine carefully and countersign all reports entered in the mine record book of the mine foreman.
- (3) The *licensee*~~[operator]~~ or superintendent shall cooperate with the mine foreman and other officials in the fulfillment of their duties under KRS Chapter 351 and this chapter, and shall direct that the mine foreman and all other employees under him comply with the law, especially when his attention is called by the mine inspector or by the commissioner to any violations of the laws.
- (4) The superintendent shall keep on hand at the mine a supply of printed rules, notices, and record books required by this chapter. The superintendent shall see that rules, notices, and record books are delivered to the proper persons at the mine and are properly cared for, and that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept legible.

Section 22. KRS 352.420 is amended to read as follows:

- (1) The operator or superintendent of each mine shall give the commissioner at least ten (10) days' notice of the following:
  - (a) Abandonment of a mine;
  - (b) Resumption of work in a mine after an abandonment or discontinuance for a period of two (2) weeks or more;
  - (c) Change in the operator or name of a mine.
- (2) Each mine shall be inspected and approved by the department before operations are resumed after an abandonment~~[or discontinuance for two (2) weeks or more]~~.

Section 23. KRS 352.450 is amended to read as follows:

- (1) The operator or superintendent of each underground mine shall annually make or cause to be made a map of the workings of the mine which is accurate and of professional quality, on a scale of not less than one hundred (100) and not more than five hundred (500) feet to the inch, showing the area mined and the forms of the excavations up to January 1, together with the location and connection of the property and mineral lease lines of all adjoining lands within one thousand (1,000) feet of the excavations and, marked on each tract, the name of each owner or lessee of adjoining lands and of mine property for which the map is being filed. Such map shall also show:
  - (a) The proposed general plan of mining for the next twelve (12) months;
  - (b) All pillared, worked-out, and abandoned areas;
  - (c) Entries and aircourses with the direction of airflow indicated by arrows;
  - (d) Dip of the coal bed;
  - (e) Escapeways;

- (f) Major roof falls;
- (g) Any worked-out areas within one thousand (1,000) feet of the projections proposed for the next twelve (12) months, designating whether active, abandoned or pillared, and showing precautions to be taken if mines are projected towards old workings which cannot be examined;
- (h) Mines above or below;
- (i) Water pools above;
- (j) Location of all known oil and gas wells (both producing and abandoned) within the area required to be mapped, as well as owners and well numbers when possible;
- (k) Such map shall identify those areas of the mine which are inaccessible or cannot be entered safely and on which no information is available;
- (l) The name and address of the mine, the mine number, seam, seam thickness;
- (m) The scale and orientation of the map, longitude and latitude, and corresponding USGS 7.5 minute quadrangle map;
- (n) The property or boundary lines of the mine, indicating the twenty-five (25) foot barrier required by KRS 352.490 between projections and property lines;
- (o) All known drill holes that penetrate the coal bed being mined;
- (p) All shaft, slope, drift, and tunnel openings and auger and strip mined areas of the coal bed being mined;
- (q) The location of all surface mine ventilation fans; the location may be designated on the mine map by symbols;
- (r) The location of railroad tracks and public highways leading to the mine, and mine buildings of a permanent nature with identifying names shown, and water sheds near openings of the mine;
- (s) The location and description of at least two (2) permanent base line points coordinated with the underground and surface mine traverses, and the location and description of at least two (2) permanent elevation bench marks used in connection with establishing or referencing mine elevation surveys, and any other identifying permanent landmarks;
- (t) The location and elevation of any body of water dammed in the mine or held back in any portion of the mine; provided, however, such bodies of water may be shown on overlays or tracings attached to the mine maps used to show contour lines;
- (u) The elevations of tops and bottoms of shafts and slopes, and the floor at the entrance to drift and tunnel openings;
- (v) The elevation of the floor at intervals of not more than two hundred (200) feet in:
  - 1. At least one (1) entry of each working section, main entry and cross entries;
  - 2. The last line of open crosscuts of each working section, and main and cross entries before such sections and main and cross entries are abandoned;
  - 3. Rooms advancing toward or adjacent to property or boundary lines or adjacent mines; and

- (w) Contour lines passing through whole number elevations of the coal bed being mined. The spacing of such lines shall not exceed ten (10) foot elevation levels, except that a broader spacing of contour lines may be approved by the commissioner or his authorized representative for steeply-pitching coal beds. Contour lines may be placed on overlays or tracings attached to mine maps.

The operator or superintendent shall deposit a true copy of the map with *his license application to* the commissioner within forty-five (45) days after January 1, and another copy of the map shall be kept at the office of the mine. A copy shall also be furnished the district office of the department.

- (2) After making and filing the map with the commissioner, the operator or superintendent thereafter is only required to file annually with the commissioner, within the time specified, such additional map and statement as is necessary to show the progress of the workings, the amount and forms of excavations and the property lines within one thousand (1,000) feet of the excavations extended since the date of the preceding map. The commissioner shall annually, before January 1, give notice that the map is required.
- (3) The commissioner may require any operator or superintendent to furnish a map other than those required in subsections (1) and (2) of this section or of a surface mine, and the operator or superintendent shall immediately comply with the requirement.
- (4) The mine inspector shall have the authority to stop production at the mine of any operator who does not furnish within thirty (30) days of notification of specific deficiencies a map which fully complies with the requirements of this section.

Section 24. KRS 352.480 is amended to read as follows:

- (1) The commissioner shall, upon the application therefor in *written*~~the~~ form~~of an affidavit~~ by any *interested party*~~licensee, owner, lessee, or operator~~, make or cause to be made, at the expense of the applicant, a duplicate of any *final or abandoned mine* map on file *with the department*~~in his office of any mine owned, leased or operated by the applicant~~.
- (2) No copy of *any*~~such a~~ map *of an active mine* shall be made without the consent of the licensee, owner, lessee, or operator, except that when the owner of any land adjacent to or near the land of the licensee, owner, lessee, or operator files an affidavit with the commissioner showing ownership of the adjacent or nearby property, and alleging that he believes that the licensee, owner, lessee, or operator is encroaching upon or mining on his property, the commissioner shall cause to be furnished to the affiant, at the expense of the affiant, a duplicate of the map filed by the licensee, owner, operator, or lessee.
- (3) When any underground mine is worked out or is about to be abandoned or indefinitely closed, the licensee shall make or cause to be made a final *map*~~survey~~ of the mine, to show the entire worked-out area at the time the mine was abandoned or closed. *A certified copy of the mine workings, on a scale of not less than one hundred (100) and not more than five hundred (500) feet to the inch*~~The results shall be indicated on the map of the mine previously made, and a copy of the survey~~ shall be filed with the commissioner.

- (4) When satisfactory evidence, in the form of an affidavit, is furnished by any person planning to open or reopen a mine, a duplicate copy of a map of any abandoned mine which might affect the safety of the men to be employed in the proposed mine may be furnished the applicant upon request to the commissioner. The duplicate copy of the map shall be made at the expense of the applicant.

**Approved April 23, 2002**