

### **352.010 Definitions for chapter.**

- (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 for Natural Resources;
  - (d) "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) "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;
  - (f) "Commissioner" means commissioner of the Department for Natural Resources;
  - (g) "Department" means the Department for Natural Resources;
  - (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) "Director" means the director of the Division of Mine Safety;
  - (j) "Excavations and workings" means the excavated portions of a mine;
  - (k) "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) "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) "Gassy mine." All underground mines shall be classified as gassy or gaseous;
  - (n) "High voltage" means any voltage of one thousand (1,000) volts or more;
  - (o) "Imminent danger" means the existence of any condition or practice which could reasonably be expected to cause death or serious physical injury before the condition or practice can be abated;
  - (p) "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) "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, no dangerous quantities of flammable gas, and no harmful amounts of poisonous gas or dust;

- (r) "Licensee" means any owner, operator, lessee, corporation, partnership, or other person who procures a license from the department to operate a coal mine;
- (s) "Low voltage" means up to and including six hundred sixty (660) volts;
- (t) "Medium voltage" means voltages greater than six hundred sixty (660) and up to nine hundred ninety-nine (999) volts;
- (u) "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) "Mine foreman" means a certified person whom the licensee, mine manager, or superintendent places in charge of the workings of the mine and of persons employed therein;
- (w) "Mine manager" means a certified or noncertified person whom the licensee places in charge of a mine or mines and whose duties include but are not limited to operations at the mine or mines and supervision of personnel when qualified to do so;
- (x) "NAD 83" means the North American Datum, 1983 version, in feet units;
- (y) "Open-pit mine" shall include open excavations and open-cut workings including auger operations and highwall mining systems for the extraction of coal. However, excavation of refuse from a coarse coal refuse fill for reprocessing of the refuse, which is permitted and bonded under KRS Chapter 350 and is regulated by the Mine Safety and Health Administration, shall not be required to obtain a license under this chapter;
- (z) "Operator" means the licensee, owner, lessee, or other person who operates or controls a coal mine;
- (aa) "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;
- (ab) "Preshift examination" refers to 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 oncoming shift;
- (ac) "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;
- (ad) "Serious physical injury" means an injury which has a reasonable potential to

cause death;

- (ae) "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;
  - (af) "Single Zone Projection" means the Kentucky Single Zone State Plane Coordinate System of 1983, based on the Lambert Conformal Conical map projection with double standard parallels on the North American Datum, 1983 version, as established in 10 KAR 5:010;
  - (ag) "Slope" means an inclined opening used for the same purpose as a shaft;
  - (ah) "Superintendent" means the person who, on behalf of the licensee, has immediate supervision of one (1) or more mines;
  - (ai) "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;
  - (aj) "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;
  - (ak) "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;
  - (al) "Working place" means the area of a coal mine inby the last open crosscut;
  - (am) "Working section" means all areas of a coal mine from the loading point to and including the working faces; and
  - (an) "Workmanlike manner" means consistent with established practices and methods utilized in the coal industry.
- (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 and shall not apply to electrical facilities owned, operated, or otherwise controlled by a retail electric supplier or generation and transmission cooperative as defined in KRS 278.010 or organized under KRS Chapter 279 for the purpose of communication, metering, or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, or outdoors by established easement rights on private property and that are covered by the National Electric Safety Code (NESC) or other applicable safety codes, or other authorities having jurisdiction and shall not apply to installations under the exclusive control of utilities for the purpose of communication, metering, or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, or outdoors by established rights on private property.

**Effective:** July 15, 2020

**History:** Amended 2020 Ky. Acts ch. 100, sec. 2, effective July 15, 2020. -- Amended 2017 Ky. Acts ch. 117, sec. 41, effective June 29, 2017. -- Amended 2015 Ky. Acts ch. 87, sec. 28, effective June 24, 2015. -- Amended 2009 Ky. Acts ch. 79, sec. 12, effective June 25, 2009. -- Amended 2006 Ky. Acts ch. 185, sec. 13, effective July 12, 2006; and ch. 241, sec. 19, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 123, sec. 62, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 37, sec. 1, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 355, sec. 8, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 480, sec. 5, effective July 15, 1998. 0.2...-- Amended 1996 Ky. Acts ch. 308, sec. 21, effective April 9, 1996. -- Amended 1978 Ky. Acts ch. 301, sec. 9, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 8, sec. 19. -- Amended 1976 Ky. Acts ch. 174, sec. 4. -- Amended 1974 Ky. Acts ch. 308, sec. 61. -- Amended 1972 Ky. Acts ch. 303, sec. 1. -- Amended 1966 Ky. Acts ch. 255, sec. 258. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739-1.

**Legislative Research Commission Note (4/9/96).** The action taken with respect to this statute by 1996 Ky. Acts ch. 308 was to have become effective April 8, 1996, under Section 51 of that Act. The Act, however, did not become effective until April 9, 1996, when the Governor's signed copy of the Act was filed with the Secretary of State.