

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 636 Session of  
2007

INTRODUCED BY SURRA, BELFANTI, BIANCUCCI, BISHOP, BUXTON,  
CALTAGIRONE, CAPPELLI, CONKLIN, DALEY, DePASQUALE, EACHUS,  
D. EVANS, FABRIZIO, GEORGE, GERGELY, GOODMAN, HESS, JAMES,  
JOSEPHS, KENNEY, KOTIK, KULA, LEACH, MAJOR, MANN, SAMUELSON,  
SANTONI, SCAVELLO, SIPTROTH, SOLOBAY, STABACK, R. STEVENSON,  
STURLA, TRUE, WALKO, WOJNAROSKI, YOUNGBLOOD, PETRARCA,  
PRESTON, GRUCELA AND PALLONE, MARCH 6, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 6, 2007

AN ACT

1 Amending the act of July 17, 1961 (P.L.659, No.339), entitled  
2 "An act relating to bituminous coal mines; amending,  
3 revising, consolidating and changing the laws relating  
4 thereto; providing for the health and safety of persons  
5 employed in and about the bituminous coal mines of  
6 Pennsylvania and for the protection and preservation of  
7 property connected therewith; prescribing powers and duties  
8 in connection therewith; prescribing penalties; and repealing  
9 existing laws," providing for self-contained self-rescue  
10 devices and for penalties.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. The act of July 17, 1961 (P.L.659, No.339), known  
14 as the Pennsylvania Bituminous Coal Mine Act, is amended by  
15 adding a section to read:

16 Section 281.1. Self-Contained Self-Rescue Devices.--(a) A  
17 self-contained self-rescue device approved by the secretary  
18 shall be worn by each person underground or kept within the  
19 immediate reach of the person. The device shall be provided by

1 the operator. The device shall be adequate to protect a miner  
2 for one hour or longer. Each operator shall train each miner in  
3 the use of the device and refresher training courses for all  
4 underground employes shall be held during each calendar year.

5 (b) In addition, the operator shall provide caches of  
6 additional self-contained self-rescue devices throughout the  
7 mine in accordance with a plan approved by the secretary. Each  
8 additional self-contained self-rescue device shall be adequate  
9 to protect a miner for one hour or longer. The total number of  
10 additional self-contained self-rescue devices, the total number  
11 of storage caches and the placement of each cache throughout the  
12 mine shall be established by the department. Intrinsically safe  
13 battery-powered strobe lights shall be affixed to each cache and  
14 shall be capable of automatic activation in the event of an  
15 emergency. A luminescent sign with the words "SELF-CONTAINED  
16 SELF-RESCUER" or "SELF-CONTAINED SELF-RESCUERS" shall be  
17 conspicuously posted at each cache, and luminescent direction  
18 signs shall be posted leading to each cache. Lifeline cords or  
19 other similar device, with reflective material at twenty-five-  
20 foot intervals, shall be attached to each cache from the last  
21 open crosscut to the surface. The operator shall conduct weekly  
22 inspections of each cache, the affixed strobe lights and each  
23 lifeline cord or other similar device to ensure operability.

24 (c) Any person that, without the authorization of the  
25 operator and the secretary, knowingly removes or attempts to  
26 remove any self-contained self-rescue or battery-powered strobe  
27 light from the mine or mine site with the intent to permanently  
28 deprive the operator of the device or light or knowingly tampers  
29 with or attempts to tamper with the device or light commits a  
30 felony of the third degree and shall, upon conviction, be

1 sentenced to pay a fine of not more than one hundred thousand  
2 dollars (\$100,000), or to imprisonment for not more than ten  
3 years, or both.

4 (d) A wireless emergency communication device approved by  
5 the secretary and provided by the operator shall be worn by each  
6 person underground. The wireless emergency communication device  
7 shall, at a minimum, be capable of receiving emergency  
8 communications from the surface at any location throughout the  
9 mine. Each operator shall train each miner in the use of the  
10 device and provide refresher training courses for all  
11 underground employes during each calendar year. The operator  
12 shall install in or around the mine any and all equipment  
13 necessary to transmit emergency communications from the surface  
14 to each wireless emergency communication device at any location  
15 throughout the mine.

16 (e) Any person that, without the authorization of the  
17 operator and the secretary, knowingly removes or attempts to  
18 remove any wireless emergency communication device or related  
19 equipment from the mine or mine site with the intent to  
20 permanently deprive the operator of the device or equipment or  
21 knowingly tampers with or attempts to tamper with the device or  
22 equipment commits a felony of the third degree and shall, upon  
23 conviction, be sentenced to pay a fine of not more than one  
24 hundred thousand dollars (\$100,000) or to imprisonment for not  
25 more than ten years, or both.

26 Section 2. This act shall take effect in 60 days.