CAI-2009-11

UNITED STATES
DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION
COAL MINE SAFETY AND HEALTH

REPORT OF INVESTIGATION

Surface Coal Mine

Fatal Automobile Accident (Powered Haulage)
September 5, 2009

Rock Mountain Mining-Div/Twin Pines Coal Co., Inc.
Shannon Mine
Johns, Jefferson County, Alabama
I.D. No. 01-03303

Accident Investigators

Jarvis F. Westery
Surface Safety and Health Inspector

James Boyle
Mining Engineer

Originating Office
Mine Safety and Health Administration
District 11
135 Gemini Circle, Suite 213
Birmingham, Alabama 35209
Richard A. Gates, District Manager

TABLE OF CONTENTS

OVERVIEW

At approximately 1:50 a.m. on September 5, 2009, a 47 year old mine employee was fatally injured when his personal vehicle struck a gate post as he was leaving the mine property. After the employee's shift ended, he left the mine parking lot and was traveling on the mine's entrance road, toward the public road. Two other employees had left before him, also traveling in their personal vehicles. The victim caught up with and was passing one of the vehicles when he struck the 6-inch concrete-filled gate post.

GENERAL INFORMATION

The Shannon Mine, ID No. 01-03303, is owned and operated by Rock Mountain Mining-Div/Twin Pines Coal Co., Inc. The mine is located in Johns, Jefferson County, Alabama. The mine is a surface operation, utilizing typical drill and shoot methods to break the overburden. The overburden is removed by excavators, bulldozers, and heavy duty rock trucks. Once the overburden is removed, the coal seam is mined using front end loaders and excavators. The mine operates two 9 ½-hr. shifts per day, Monday through Saturday. The mine employs 59 hourly and 7 management persons. The primary coal bed being mined is the Mary Lee seam, which averages 36-inches to 38-inches in thickness. The daily production rate is 1300 tons.

The most recent semi-annual safety and health inspection (E01) was completed by the Mine Safety and Health Administration (MSHA) on June 8, 2009. The Non-Fatal Days Lost (NFDL) injury incidence rate at the mine for the previous quarter was 5.56 compared to the national NFDL rate of 1.37 for surface coal mines.

The principal officials of the mine at the time of the accident were:

Roy Garner……..……..Superintendent
Billy Orick……..Manager of Safety

DESCRIPTION OF THE ACCIDENT

The normal work hours for the evening shift are 4:00 p.m. to 1:30 am. On the morning of the accident, Saturday, September 5, 2009, the work shift had ended and the miners had parked their mining equipment. This was the last shift of the work week. No work was scheduled until the Tuesday after the Labor Day holiday weekend.

The parking area is approximately 1.2 miles from the Blue Creek Road, a public highway, and is connected to this public highway by a dirt road. There are two gates along the dirt road: the "old gate," which remains open, and the "new gate," which is at the access point to the public highway. The old gate is approximately 1.1 miles from the mine parking area, and the new gate is approximately 1.2 miles from the parking area (Appendix B).

Two miners, Garland Bonner and Brandon Wilson, left the parking area ahead of Edwin Hasty, Jr., victim, in their personal vehicles. Bonner was in the lead vehicle, and drove in a deliberate and slow manner. Wilson was keeping pace

behind him. Hasty left in his personal vehicle, caught up to Wilson and while attempting to pass, struck the old gate post and overturned. His vehicle landed on the driver's side in the middle of the road. Bonner had already passed through the old gate. When he heard the crash, Bonner stopped between the old and new gates and came back to investigate. Emergency responders were contacted and the victim was pronounced dead at the scene by the coroner's assistant.

INVESTIGATION OF THE ACCIDENT

MSHA was notified of the accident by the Emergency Call Center at approximately 2:00 a.m. on the morning of the accident occurrence. Coal Mine Safety and Health Supervisor, David Allen, issued a verbal § 103(j) Order to Billy Orick, Manager of Safety. The 103(j) Order was modified to a 103(k) Order, after MSHA accident investigators arrived at the scene, to assure the safety of miners until an investigation could be conducted. The accident investigators conducted an examination of the accident scene, interviewed witnesses, and reviewed conditions relative to the scene. MSHA conducted the investigation with the assistance of the State of Alabama Department of Industrial Relations Mining and Reclamation Division, miners, and mine management. Persons participating in the investigation are listed in Appendix A. Four persons were interviewed during the investigation.

DISCUSSION OF THE ACCIDENT

Physical Factors

The dirt road where the accident occurred is approximately 1.2 miles in length and 30 to 34-feet wide along its length, until it narrows to approximately 22-feet at the old gate (Appendix B). The road was well graded, free of standing water, and visibility was not affected by road dust.

The victim's vehicle was a 1995 Chevrolet S-10 pickup truck. It was examined for possible mechanical defects or other unsafe conditions and none were observed. Witness accounts indicate that the lights were operating properly.

It is estimated that the victim's speed at the time of the accident was in excess of the posted 20 miles per hour (mph). The victim's vehicle closed rapidly on Wilson's vehicle, which he was attempting to pass. After the accident, the driver's side airbag of the victim's truck had deployed, and the post-accident condition of the vehicle and gate post struck by the truck indicates the collision

was violent. There were no skid marks present on the dry dirt road to indicate that the victim braked prior to impact.

Environmental and Human Factors

The accident occurred during full darkness, at approximately 1:50 a.m. The only illumination available was provided by the vehicle's headlights. The weather was dry prior to the accident, with rain moving in afterwards.

Bonner, the driver of the lead vehicle, by his own account, was driving in a slow, deliberate manner. This was how he normally drove, which was well known to his co-workers, including the victim. As mentioned previously, the dirt road was in excess of 30-ft. wide until it approached the old gate, where it narrowed to approximately 22-ft. Wilson, keeping pace behind Bonner, stated that, as he approached the old gate, the victim's vehicle gained rapidly, and was moving at an excessive speed relative to his when the victim began to pass.

The victim's vehicle then struck the gate post and rolled, coming to rest in the middle of the entrance road on the driver's side. The victim was found positioned partially out of the driver's side window, with the vehicle resting on his upper torso. Examination at the accident scene indicates that victim was not wearing a seat belt when the accident occurred.

Work Experience and Training

The victim was a rock truck driver and had been at this mine since October 2008. He received initial, Newly Employed, Inexperienced Miner Training in October 2008 and was given Task Training for the rock truck in the same month. He finalized his training in December 2008. The victim received the required Annual Refresher training in August 2009.

Accident Scenario

The victim was aware that the driver of the lead vehicle (Bonner) normally drove in a slow, cautious manner. It appears that as the victim was approaching the two vehicles in front of him, he was attempting not only to pass Wilson, but also may have been looking "forward" to pass Bonner in an effort to get ahead of both vehicles before reaching the public highway. He likely did not realize his proximity to the gate, and believing he was in an area where the road was wider, attempted to complete the passing maneuver. This scenario, coupled with excessive speed and night driving conditions, may have caused him to "over drive" his headlights, so that he did not have time to react and take evasive

maneuvers prior to striking the gatepost. Failure to wear a seatbelt was a factor in his ejection from the vehicle.

ROOT CAUSE ANALYSIS

An analysis was conducted to identify the most basic cause of the accident, which could have been corrected through reasonable controls. During the analysis, a root cause(s) was identified that, if eliminated, would have prevented the accident.

Root Cause: The victim, in attempting to pass, executed a driving maneuver that was unsuitable for the prevailing conditions. Excessive speed and nighttime driving conditions contributed to the accident. Failing to wear a seatbelt is considered a contributing cause to the fatality.

Corrective Action: The operator shall implement a program of instruction and instruct all personnel on the importance of observing the posted speed limits, not passing on mine roads, and the use of seat belts while driving or riding in a personal vehicle.

CONCLUSION

On September 5, 2009, a 47 year old mine employee was fatally injured when his personal vehicle struck a gate post as he was leaving the mine property. Two other employees had left before him, also traveling in their personal vehicles. The victim caught up with and was passing one of the vehicles when he struck a 6-inch concrete-filled gate post. The accident occurred because the victim executed a driving maneuver that was unsuitable for the prevailing conditions. Excessive speed, night driving conditions, and failure to wear a seatbelt contributed to the accident.

Approved by:

Richard A. Gates
District Manager

1/12/10
Date

ENFORCEMENT ACTIONS

§ 103(j) Order No. 6698270:

A fatal accident occurred at this mine on the mine entrance road where a vehicle hit the gate post.

This order is being issued to prevent the destruction of any evidence which would assist in investigating the cause or causes of the accident. It prohibits all activity at the mine entrance road from the county highway to 50 feet inby mine property gate where the accident occurred except to recover the individual.

Area or Equipment: The mine entrance road from the county highway to 50 feet inby the mine gate.

Modification of § 103(j) Order to § 103(k) Order:

The initial order is modified to reflect that MSHA is now proceeding under the authority of 103(k) of the Federal Mine Safety and Health Act of 1977. This 103(k) Order is intended to protect the safety of all persons on-site, including those involved in recovery operations or investigation of the accident.

APPENDIX A

Persons Participating in the Investigation

SHANNON MINE

Roy Garner…….Superintendent
Billy Orick……...Safety Manager
Donnie "O" Franklin……Foreman
Brandon Wilson……..…..Rock Truck Driver
Garland Bonner……...Bulldozer Operator
Jim Snow …….Evening Shift Mine Foreman
Eddie Keenum……Foreman
Charles Prince……..……...Foreman

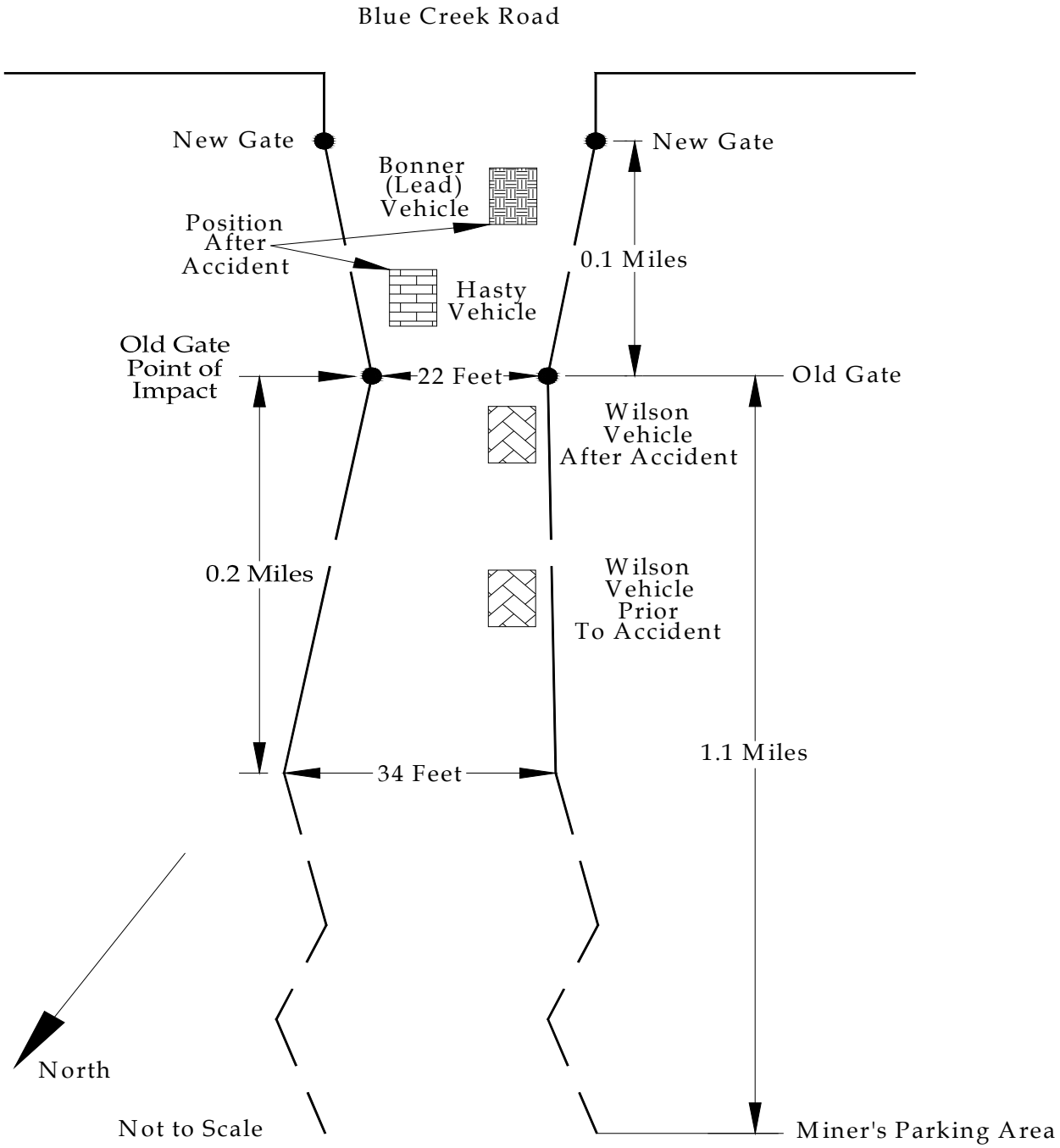
STATE OF ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS MINING AND RECLAMATION DIVISION

Buddy Herron……..……..….Mine Inspector
Wayne Wilkes.……Mine Inspector

MINE SAFETY AND HEALTH ADMINISTRATION

Jarvis F. Westery…..... District 11 Surface Mine Safety and Health Inspector, Lead Investigator
Jacky Shubert……..District 11 Supervisory Coal Mine Safety and Health Inspector
James Boyle…….District 11 Supervisory Coal Mine Safety and Health Mining Engineer

APPENDIX B


Blue Creek Road
New Gate
New Gate
Bonner
(Lead)
Vehicle
Position
After
Accident
0.1 Miles
Hasty
Vehicle
Old Gate
Point of
Impact
22 Feet
Old Gate
Wilson
Vehicle
After Accident
0.2 Miles
Wilson
Vehicle
Prior
To Accident
34 Feet
1.1 Miles
North
Not to Scale
Miner's Parking Area

APPENDIX C- Victim Information

Accident Investigation Data - Victim Information
Event Number: 4 4 9 2 7 7 0

U.S. Department of Labor
Mine Safety and Health Administration

Victim Information: 1

1. Name of Injured/Ill Employee:	2. Sex	3. Victim's Age	4. Degree of Injury:
Edwin D. Hasty	*M*	*47*	*01 Fatal*

5. Date(MM/DD/YY) and Time(24 Hr.) Of Death: *a. Date: 09/05/2009 b.Time: 1:50*

6. Date and Time Started: *a. Date: 09/04/2009 b.Time: 16:00*

7. Regular Job Title: *176 Rock Truck Operator*

8. Work Activity when Injured: *098 Leaving Mine Property*

9. Was this work activity part of regular job? Yes | No X

10. Experience	Years	Weeks	Days		Years	Weeks	Days		Years	Weeks	Days		Years	Weeks	Days
a. This Work Activity:	*0*	*48*	*0*	b. Regular Job Title:	*0*	*48*	*0*	c: This Mine:	*0*	*48*	*0*	d. Total Mining:	*0*	*48*	*0*

11. What Directly Inflicted Injury or Illness? *110 Pickup Truck Overturned*

12. Nature of Injury or Illness: *370 Massive head iinjury*

13. Training Deficiencies:
Hazard: | New/Newly-Employed Experienced Miner: | Annual: | Task:

14. Company of Employment: (If different from production operator) *Operator*
Independent Contractor ID: (if applicable)

15. On-site Emergency Medical Treatment:
Not Applicable: | First-Aid: | CPR: | EMT: X | Medical Professional: | None:

16. Part 50 Document Control Number: (form 7000-1)

17. Union Affiliation of Victim: *9999 None (No Union Affiliation)*

Victim Information:

1. Name of Injured/Ill Employee:	2. Sex	3. Victim's Age	4. Degree of Injury:

5. Date(MM/DD/YY) and Time(24 Hr.) Of Death:

6. Date and Time Started:

7. Regular Job Title:

8. Work Activity when Injured:

9. Was this work activity part of regular job? Yes | No

10. Experience:	Years	Weeks	Days		Years	Weeks	Days		Years	Week	Days		Years	Weeks	Days
a. This Work Activity:				b. Regular Job Title:				c: This Mine:				d. Total Mining:			

11. What Directly Inflicted Injury or Illness?

12. Nature of Injury or Illness:

13. Training Deficiencies:
Hazard: | New/Newly-Employed Experienced Miner: | Annual: | Task:

14. Company of Employment: (If different from production operator)
Independent Contractor ID: (if applicable)

15. On-site Emergency Medical Treatment:
Not Applicable: | First-Aid: | CPR: | EMT: | Medical Professional: | None:

16. Part 50 Document Control Number: (form 7000-1)

17. Union Affiliation of Victim:

Victim Information:

1. Name of Injured/Ill Employee:	2. Sex	3. Victim's Age	4. Degree of Injury:

5. Date(MM/DD/YY) and Time(24 Hr.) Of Death:

6. Date and Time Started:

7. Regular Job Title:

8. Work Activity when Injured:

9. Was this work activity part of regular job? Yes | No

10. Experience:	Years	Weeks	Days		Years	Weeks	Days		Years	Week	Days		Years	Weeks	Days
a. This Work Activity:				b. Regular Job Title:				c: This Mine:				d. Total Mining:			

11. What Directly Inflicted Injury or Illness?

12. Nature of Injury or Illness:

13. Training Deficiencies:
Hazard: | New/Newly-Employed Experienced Miner: | Annual: | Task:

14. Company of Employment: (If different from production operator)
Independent Contractor ID: (if applicable)

15. On-site Emergency Medical Treatment:
Not Applicable: | First-Aid: | CPR: | EMT: | Medical Professional: | None:

16. Part 50 Document Control Number: (form 7000-1)

17. Union Affiliation of Victim:

MSHA Form 7000-50b, Mar 2008 Printed 10/14/2009 2:13:26 PM