



## COALEX COMPARISON REPORT - 48

January 24, 1986

### TOPIC: ACCESS AND HAUL ROADS\*

\*Note: This report is based on the most recent documents identified in the COALEX file. A state may have additional or revised rules or procedures not contained in the COALEX file.

**BACKGROUND:** Secs. 515(b)(17) and (18) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) requires all roads to be constructed, maintained, and reclaimed in a manner which controls or minimizes environmental damage. The applicable federal regulations and case law were discussed in COALEX SIGNIFICANT ISSUE REPORT - 46. This Report will compare the various state regulations pertaining to access and haul roads.

### SEARCH RESULTS:

A COALEX search was conducted to locate state regulations pertaining to access and haul roads. Information was obtained for twenty-five states.

#### A. GENERAL

State application of road, performance standards has been complicated by the lack of permanent federal rules. OSM's regulations have twice been suspended as a result of the IN RE: PERMANENT SURFACE MINING REGULATION LITIGATION. The various state regulations reflect the fluctuation in OSM's rules. Thus, the state road regulations differ in some cases according to which set of federal regulations were in effect at the time of state implementation.

#### B. CLASSIFICATION

Several states have adopted regulations identical to those found in the superseded 1979 federal regulations. Nine states (Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Tennessee, Texas, and Wyoming) have regulations which divide access and haul roads into three-classes (I, II and III), with different standards applying to each class. (For a discussion of the equivalent federal regulations, see SIGNIFICANT ISSUE REPORT - 46)

Colorado's program is also similar to the original federal regulations; however, a different classification system is used. "Haul road" has the same definition as does a Class I road; an "access road" is any road which is frequently used for purposes other than hauling coal; and a "light-use road" is one which is infrequently or intermittently used for purposes other than the transportation of coal. (Colorado Mined Land Reclamation Board, Rules and Regs., Sec. 1.04 (111) (1982))

Two other states (New Mexico and Virginia) follow the 1983 revised version of the federal regulations. These states classify roads as either primary or ancillary and have regulations pertaining to each class.



Only one of the remaining states uses a classification system. In Pennsylvania, roads are classified as either access or haul roads.

### C. PERFORMANCE STANDARDS

The Pennsylvania performance standards are a rough equivalent of the 1983 federal regulations. In addition, the Pennsylvania rules prohibit the location of a haul road within 100 feet of a perennial or intermittent stream unless specifically allowed by authorities. The use of acid or toxic-forming materials is allowed if the road is within the confines of a coal refuse disposal or reprocessing area and the effluent meets statutory standards. (Pa. Dept. of Env. Resources Coal Mining Reg., Sec. 87.160 (1982))

A majority of the remaining states use some form of the federal regulations with some deviations. While Alabama's regulations closely follow the 1983 regulations, some provisions from the 1979 version remain. There is no requirement of a minimum static safety factor for embankments or a drainage control system which passes the peak runoff from a 10 year, 6 hour precipitation event as found in OSM's permanent regulations. Alternative design specifications may be used if the resulting road performance would be equal to or better than that provided by the state regulations. In addition, the design must incorporate the demand for mobility and travel efficiency. (Ala. Surface Mining Comm'n. Regs., Sec. 880-X-IOC-67-71 (1981))

Alaska's regulations contain the 1983 standards found at 30 CFR Sec. 816.150(b)-(e), except that no provision is made for an embankment static safety factor. In addition, all operations must be conducted in a manner which minimizes damage or disruption of services provided by oil, gas, and water wells as well as railroads, electric and phone lines. (11 Alaska Admin. Code, Tit. 90, Sec. 491 (1983))

Illinois' regulations contain language found in SMCRA, but use none of the other standards found in OSM's rules. (Ill. Surface Coal Mining Land Conservation and Reclamation Act, Reg. Sec. 1816.150 (1980))

The Indiana road regulations use general terms to identify the applicable standards pertaining to surface runoff, location, and removal and revegetation. Roads are not to be constructed in drainage channels unless approved, and adequate sedimentation controls and drainage measures are to be used when roads intersect drainage channels. (310 Ind. Admin. Code Sec. 12-5-69 (1982))

The Maryland regulations are a modified version of the 1979 OSM Class I standards. The OSM rules dealing with horizontal alignment and sediment control measures have been deleted. All drainage control systems must be capable of handling a one year, twenty-four hour precipitation event and culverts may not be less than twelve inches in diameter. (Md. Admin. Code, Tit. 8, Sec. 13.09.22 (1983))

Montana's regulations implement many provisions found in the 1979 Class I regulations, but have added rules pertaining to pit mining. No more than two ramp roads per mile of active pit are allowed unless specifically approved. Ramp roads are to exhibit an overall grade of seven percent or greater, but no sustained grade is to exceed eight percent, and the maximum



pitchgrade is not to exceed twelve percent for more than 300 feet. (Mont. Admin. R. 26.4.602 (1980))

North Dakota and Ohio have regulations which follow the 1983 OSM provisions. However, neither provide for classes; all roads must meet the OSM standards for primary roads. (N.D. Admin. Code Sec. 69-05.2-24.01 (1980); Ohio Admin. Code Sec. 1501:13-10-01 (1982))

A modified version of the 1979 Class I regulations have been implemented in Kentucky. The provision for minimizing downstream flooding is not specifically mentioned; nor are specific overall grade requirements or material to be used for embankment construction. (405 Ky. Admin. Regs. Sec. 16:220 (1983)) All haulroad applications must also include geologic and hydrologic information. (Knarr, "Permitting Changes: Haulroads, Right of Entry". Ky. Coal Journal (Nov. 1984))

West Virginia also uses a variation of the 1979 Class I regulations. Some of the differences include: a 1:1 ratio maximum for cut slopes in soil; a road surface pitch toward the ditchline of 1/4 inch per foot; a minimum area for culvert openings of 100 inches; and a peak discharge drainage capability of a one year, twenty-four hour precipitation event. Several provisions were added to the Class I regulations, including a grade requirement for switchback curves, a grade tolerance requirement. and an exemption for some existing haulways and access roads. (W. Va. Surface Mining Regs.. Sec. 4A (1984))

#### **ATTACHMENTS:**

- A. Colorado Mined Land Reclamation Board Rules & Regs., Sec. 1.04 (111) (1982).
- B. Pennsylvania Dept. of Env. Resources Coal Mining Regs., Sec. 87.160 (1982).
- C. Alabama Surface Mining Comm'n Regs., Sec. 880-X-10C-67:71 (1981).
- D. 11 Alaska Admin. Code, Tit. 90, Sec. 491 (1983).
- E. Illinois Surface Coal Mining Land Conservation & Reclamation Act, Reg. Sec 1816.150 (1980).
- F. 310 Indiana Admin. Code Sec. 12-5-69 (1982).
- G. Maryland Admin. Code, Tit. 8, Sec. 13.09.22.
- H. Montana Admin. Regs., Sec. 26.4.602 (1980).
- I. North Dakota Admin. Code, Sec. 69-05.2-24.01 (1980).
- J. Ohio Admin. Code, Sec. 1501:13-10-01 (1982).
- K. 405 Kentucky Admin. Regs. Sec. 16:220 (1983).
- L. Knarr, "Permitting Changes: Haulroads, Right of Entry", Ky. Coal Journal (Nov. 1984).
- M. W. Va. Surface Mining Regs., Sec. 4A (1984).

#### **TABLE 1: STATES UTILIZING OSM REGULATIONS**

(Reformatted from original)

##### 1979 VERSION

###### **ARKANSAS**

Ark. Surface Coal Mining and Reclamation Code, Sec. 816.150 (1980).

###### **IOWA**

Iowa Admin. Code, Sec. 4.523(71) (1980).



**KANSAS**

Mined Land Conservation and Reclamation Rules, Sec. 47-9-1(c) (1980).

**LOUISIANA**

La. Surface Mining Regs. Statewide Order 29-0-1.5 216.150

**MISSISSIPPI**

Surface Coal Mining and Reclamation Regs., Sec. 216.150 (1980).

**MISSOURI**

4 Mo. Admin. Reg., 10 CSR Sec. 40-3.140 (1980).

**TENNESSEE**

Tenn. Div. of Surface Mining Rules, Sec. 0400-1-14-.72 (1982)

(Note: this is now a federal program).

**TEXAS**

Surface Mining & Reclamation Regs., Sec. 051.07.04.400 (1980).

**WYOMING**

Land Quality Rules & Regs., Sec. 3j (1980).

**COLORADO**

(Different classes) Colo. Mined Land Reclamation Board Rules & Regs., Sec. 4.03 (1982).

1983 VERSION

**NEW MEXICO**

N. Mex. Surface Mining Regs., Sec. 20-150 (1984).

**VIRGINIA**

Surface Mining Reclamation Regs., Sec. V816.150.

Note: Citations used appear as found in COALEX documents and may not reflect a state's proper citation form.