

30 CFR § 56.9300 Berms or guardrails.

SAFETY DEVICES, PROVISIONS, AND PROCEDURES FOR ROADWAYS, RAILROADS, AND LOADING AND DUMPING SITES

(a) Berms or guardrails shall be provided and maintained on the banks of roadways where a drop-off exists of sufficient grade or depth to cause a vehicle to overturn or endanger persons in equipment.

(b) Berms or guardrails shall be at least mid-axle height of the largest self-propelled mobile equipment which usually travels the roadway.

MSHA views these scales as part of the roadway, and therefore the berm and/or guardrail requirements in § 56.9300(a) and (b) are applicable. There are several Administrative Law Judge decisions that have upheld citations issued by MSHA inspectors for the lack of guardrails or berms on truck scales. Further, injuries and fatalities have occurred in metal and nonmetal mines due to the lack of berms or guard rails on roadways. A PowerPoint was developed in October 2009 to provide guidance to industry and MSHA inspectors. A copy of the PowerPoint has been provided to the NSSGA Technical Committee for review.

There were no recent changes in policy. The Program Policy Manual does not address this standard. PROGRAM POLICY LETTER NO. P10-IV-01 was issued on August 26, 2010 to provide additional guidance on this standard.