

Rule No.: 941 - 7501 - 03004 Agency: Mississippi Department of Transportation
Agency Effective Date: Agency Issued Date: July 20, 2005
Secretary of State Authority Date: Supersedes Rule:
Division: Maintenance Executive Director:
Rule Title: Permits for Seismic Surveys

The person to be contacted regarding the proposed rule is: Facility and Records Management Director

Name of person originating the proposed rule: John Vance

Name of supervisor or person who approved the proposed rule: Melinda McGrath

Purpose:

To establish a policy for issuance of permits for seismic surveys using vibrating equipment performed on the highway rights of way of the Mississippi Department of Transportation, hereinafter called "Department".

Summary:

This rule establishes procedures for issuance of a permit to perform seismic surveys on MDOT rights of way.

The full text of the proposed rule is:

PROCEDURES:

- A. The applicant shall furnish the following documents as part of the permit application:
 1. A letter stating that:
 - a. The applicant does hereby covenant and agree to indemnify and hold harmless the Mississippi Transportation Commission and the Mississippi Department of Transportation from and against any claims, actions, suits, causes or demands, including court costs and reasonable attorneys' fees, proximately resulting from acts or omissions of the applicant, or applicant's servants, agents or employees in prosecution of the activities proposed under this permit application; and
 - b. The applicant does hereby agree to pay for any damage to the roadway proximately caused by the acts or omissions of the applicant, or applicant's servants, agents or employees in prosecution of the activities proposed under this permit application.

This letter shall be signed by the company official duly authorized to issue this document.
 2. A Certificate of Insurance including but not limited to products and completed operations coverage and underground coverage in the amount of \$1,000,000 and a bond in the amount of \$500,000 payable to the Mississippi Transportation Commission.
- B. The applicant is fully responsible for obtaining written permission from adjacent land owners, owners of mineral interests and lessees, if applicable, to perform a seismic

survey on or near their property. The applicant shall, upon request, furnish the Department copies of these documents.

- C. The District Engineer may consider approval of applications from authorized applicants.

The District Engineer may reject any application which in his opinion could cause hazard to the traveling public or be detrimental to the condition of the highway rights-of-way.

The design, materials and method(s) used for the seismic survey must be specified in writing and shall adhere to all safety guidelines set forth by the industry standard. It is noted that the applicant, by signing this permit, certifies that the design, materials and method(s) of operations are of the industry standard, where the industry standard is indicated.

The District Engineer will have a visual inspection (unless otherwise deemed necessary) made prior to each survey and within 60 days after completion of each survey in order to determine if any damage has occurred to the highway facility.

GENERAL REQUIREMENTS

- A. Each application will be submitted on Form MND-004, Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of Way, and will show a plat of the highway by sections, townships, counties, highway intersections and other appropriate landmarks.
- B. Each application will contain a short description of the equipment involved, the source type, the method of operation(s) and where the equipment will be positioned. The method of operation(s) may be presented to the Department in 2 Dimension or 3 Dimension views as the applicant chooses.
- C. The District Engineer shall be given 24 hours notice prior to the survey and after completion of the survey.
- D. Seismic surveys shall not be performed on the Interstate system.
- E. The applicant shall not place or use any source of energy (compressed air, explosives, vibrators, etc.) on highway right of way. Receiving units (cables, trucks, etc.) will be permitted to be placed on highway right of way excluding the Interstate system.
- F. The following safety precautions will be in force.
1. Time of Work - The survey will be accomplished during daylight hours only and no work will be performed on Saturdays, Sundays, New Years Day, Independence Day, Labor Day, Thanksgiving or Christmas Day or the day preceding or following these holidays when the highway being surveyed is apt to be heavily traveled. No work shall be performed on the highway right of way during days of rain, sleet, snow, ice on the highway and/or fog.
 2. Traffic Control – The applicant accepts the responsibility for the safety of the traveling public and his/her workers and agrees to furnish, place and maintain traffic control devices, if required, in accordance with Part 6 of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), Current Edition as a minimum. The applicant shall attach a special traffic control plan to the application if special traffic control details are required. When the survey operation is on the pavement, not more than one traffic lane will be blocked. The work will progress in the same direction as traffic in the lane in which work is being performed.

- G. The permit approval will be for a maximum of twelve months and will not be extended. A new application must be submitted for approval if the seismic survey is not completed within the twelve months listed in the previous sentence.
- H. The application shall be approved prior to beginning the work.

REFERENCES: (All references herein to other materials are as to the most current version of that particular document.)

1. 941-7501-04002, Right of Way Encroachment Permits.
 2. 941-7501-03001, Processing of Permit Applications
 3. 941-7501-04007, Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of Way, Form MND-004.
 4. Form MND-005, Supplement Form for Additional Sheets to Form MND-001, MND-002 and MND-004.
 5. Manual on Uniform Traffic Control Devices (MUTCD), Current Edition.
- For MUTCD and FHWA links see <http://mutcd.fhwa.dot.gov> and www.fhwa.dot.gov
 - MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT