

TITLE 16, CALIFORNIA CODE OF REGULATIONS, DIVISION 5
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing on this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 15 days prior to the close of the written comment period. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially related to the original text.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on September 27, 2016.

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference Citations: Pursuant to the authority vested by sections 8710 and 8741(a) of the Business and Professions Code, and to implement, interpret, or make specific sections 8742(a)(2) and 8742(a)(3) of said Code, the Board is considering changes to Divisions 5 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

It is the intent of the Board to ensure that its laws are clear, concise, efficient, and necessary. Business and Professions Code section 8710(a) authorizes the Board to make and enforce rules and regulations that are reasonably necessary to carry out its provisions. Business and Professions Code section 8741 establishes the Boards ability to prescribe by regulation reasonable educational or experience requirements necessary to qualify for the professional land surveyor examination. To that extent, the Board is proposing a regulatory amendment that will clarify what is meant by “responsible field training,” “responsible office training,” and “broad based progressive experience” to increase compliance and make petitions for additional documentation and discussion pertaining to mandated work experience requirements less burdensome.

AMEND SECTION 425 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS.

The proposed regulations would amend Title 16 CCR Section 425. The intent of Title 16 CCR Section 425(c) and (d) is to provide a list of activities performed by a land surveyor that qualifies as “responsible field training” and “responsible office training” to provide guidance to applicants and their references. Applicants and their references are using this as a checklist of duties performed instead of listing examples of the qualifying duties performed by the applicant. This causes a delay in the processing of an applicant’s application

Title 16 CCR Section 425(f) provides that an application for licensure as a land surveyor who holds a license as a civil engineer and submits sufficient documentation of a minimum of two years of “actual broad based experience in land surveying” is exempt from the application requirements as provided in sections (b), (c), and (d) of this section. The term “broad based experience” is clarified in Title 16 CCR Section 425(f), which causes confusion and frustration among applicants when informed they do not qualify for licensure as a land surveyor.

POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

The purpose and benefit of this proposed regulatory action is to more clearly define what is meant by “responsible field training” and “responsible office training” and to add specific language further defining “broad based progressive experience as a land surveyor” to improve the quality of this regulation and increase compliance while making the application process less burdensome to the applicants applying for licensure as a professional land surveyor. These amendments will help to maintain the Board’s mission to safeguard the life, health, property, and welfare of the public.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this proposed regulatory action and it is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

This proposed regulatory action does not result in any significant expenditure to public or state agencies.

Nondiscretionary Costs/Savings to Local Agencies:

This proposed regulatory action does not result in nondiscretionary costs or savings to local agencies.

Local Mandate:

This proposed regulatory action does not impose a mandate on local agencies or school districts.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Requires Reimbursement:

None

Business Impact:

The Board has made an initial determination that this proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed amendments provide clarification to applicants filing for licensure as a professional land surveyor.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed amendments provide clarification to applicants filing for licensure as a professional land surveyor.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

As stated under the Policy Statement Overview/Anticipated Benefits of Proposal above, the benefits of the proposed regulation are clarification of the qualifying activities for land surveyor applicants, which leads to less confusion and frustration in the application process and ultimately more qualified individuals applying for the license.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Kara Williams
Address:	2535 Capitol Oaks Drive, Suite 300 Sacramento, CA 95833

Telephone No.: (916) 263-5438
Fax No.: (916) 263-2246
E-Mail Address: Kara.Williams@dca.ca.gov

The backup contact person is:

Name: Billie Baldo
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263-2277
Fax No.: (916) 263-2221
E-Mail Address: Billie.Baldo@dca.ca.gov

WEBSITE ACCESS: Materials regarding this proposal can be found at
www.bpelsg.ca.gov.