

**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. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Board for Professional Engineers,  
Land Surveyors, and Geologists  
2535 Capitol Oaks Drive  
Third Floor Conference Room  
January 5, 2016  
9:00 a.m.

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 December 28, 2015 or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. 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 this 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 8773.1 of the Business and Professions Code, and to implement, interpret, or make specific sections 8762, 8765, 8773, 8773.1, 8773.2, 8773.3, and 8773.4 of said Code, the Board is considering changes to Divisions 5 of Title 16 of the California Code of Regulations 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) provides the Board with the responsibility to make and enforce rules and regulations that are reasonably necessary to carry out its provisions. To that extent, the Board is proposing a regulatory

amendment that will update its Corner Record form so that it would be more relevant to the current practice of land surveying and would provide additional clarification to the licensee and to the agency to which it is being submitted. These amendments would update the form to be consistent with the land surveying profession with respect to the preparation and filing of Corner Records. It would also maintain the Board's Strategic Plan goal of evaluating current laws and regulations and pursue changes where appropriate.

AMEND SECTION 464 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS.

Business and Professions Code section 8773 defines a Corner Record and describes the requirements necessary for the filing and preparation of a Corner Record. Title 16, California Code of Regulations Section 464 establishes the information required to be included on the Corner Record and incorporates by reference the Corner Record form, currently identified as BORPELS-1297, 1-6-98.

The Corner Record form is comprised of two (2) pages. Page one (1) contains the text of the document and provides for the written explanation of the work that was performed. This proposed regulatory action would consolidate the two fill-in fields currently in the center of page 1 of the form into one fill-in field so that the licensee can provide a narrative of the condition of the corner or monument into one space instead of having to separate it into two different spaces, which has been unnecessary.

Page 2 contains a graph field that is used for a drawing of the work that was performed or to provide further explanation through sketches. This proposed regulatory action would replace the graph with a blank field so that the licensee is not limited to having to complete the page within graph lines. Having a blank field would also be beneficial when the licensee chooses to place a computerized representation onto the page.

Additional information is also being added to the Corner Record form:

1. Identification of an Agency Index Number. If the agency does not have an index number, it can be stated here.
2. The specific section of the Professional Land Surveyors' Act that is being referenced as the reason for the filing of the Corner Record. Currently the Corner Record form does not request that a section be specified.
3. Identification of action(s) taken relating to the condition of corner/monument.

Also, the form number of the Corner Record would be changed to BPELSG-2015 to reflect the current name of the Board and the anticipated year the modified document would become effective. In addition, other minor grammatical changes would be made to the form.

This regulatory proposal does not affect small businesses. The changes being proposed apply only to the presentation of the information on the Corner Record. The document can only be filed by a licensed land surveyor or civil engineer authorized to practice land surveying and does not add any additional time or financial requirements for the licensee in the preparation and filing of the Corner Record.

#### FORMS INCORPORATED BY REFERENCE

Corner Record (Form BORPELS-1297) 1-6-98

#### POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

The purpose and benefit of this proposed regulatory action is to ensure that the information contained on the Corner Record document is clear, concise, relevant, and necessary. This will also result in the consumer being charged less money and take less time in completing the project since the Corner Record form will be more clear and efficient. 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. There may, however, be cost savings to the public agency since the Corner Record form would be prepared with more relevant information, eliminating additional time the public agency may spend with the licensee to clarify the information on the Corner Record form. Any possible cost savings would be difficult to quantify since it is not feasible to research this information by obtaining information from all local agencies in the state of California.

##### 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. Since the proposed amendments affect only information contained on the Corner Record form, the impact to businesses is insignificant and absorbable.

Impact on Jobs/New Businesses:

The Board has determined that this proposed regulatory action will not have an 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.

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 regulations relate specifically to the preparation of the Corner Record document, which does not have an impact on how a small business operates.

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:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and the State's government:

The purpose and benefit of this proposed regulatory action is to ensure that the information contained on the Corner Record document is clear, concise, and relevant. This will result in the consumer being charged less money and the licensees taking less time in completing projects since the Corner Record form will be more clear and efficient. These amendments will help to maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

#### 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: 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

The backup contact person is:

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

WEBSITE ACCESS: Materials regarding this proposal can be found at [www.bpelsg.ca.gov](http://www.bpelsg.ca.gov).