

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS**

INITIAL STATEMENT OF REASONS

Hearing Date: January 5, 2016

Subject Matter of Proposed Regulations: Corner Records

Sections Affected:

Amend Section 464 of Division 5 of Title 16 of the California Code of Regulations (CCR).

Specific Purpose of each adoption, amendment, or repeal:

1. Problem being addressed:

a) The corner record is unclear and inaccurate to current land surveying practices. Title 16 CCR Section 464 was last amended in 1997; however, the enabling statutes for 16 CCR Section 464 have been amended multiple times since then. This regulation is necessary in order to bring this regulation in line with the enabling statutes and current land surveying practices.

Assembly Bill 1342, (Granlund, Chapter 608, Statutes of 1999), amended sections 8765, 8773.1, and 8773.4 of the Business and Professions Code. Assembly Bill 1342 revised the requirements for completion of corner records.

Senate Bill 1077, (Committee on Business and Professions, Chapter 607, Statutes of 2003), modified receipt and filing of the corner record for section 8773.2 of the Business and Professions Code. Senate Bill 1077 revised existing provisions relating to filing of corner records, sections 8762, 8773.2, 8773.4 of the Business and Professions Code.

Senate Bill 228, (Figueroa, Chapter 657, Statutes of 2005), amended the technical requirements for the record of survey, section 8764 of the Business and Professions Code.

Senate Bill 1576, (Committee on Business, Professions, and Economic Development, Chapter 661, Statutes of 2012), established criteria for land surveyors to file a record of survey, section 8773 of the Business and Professions Code.

Senate Bill 1467, (Committee on Business, Professions, and Economic Development, Chapter 400, Statutes of 2014), amended the requirements for the setting of monuments and monument perpetuation, section 8771 of the Business and Professions Code.

- b) This regulatory proposal would change the two fill-in fields in the center of page one (1) of the form and consolidate them into one fill-in field so that the licensee can provide an explanation in one space instead of having to separate it into two different spaces. The two spaces were unnecessary. Also, grammatical changes would be made to the form.

This regulatory proposal would also add the following information to the Corner Record document:

1. An Agency Index Number, if applicable
2. Identification of PLS Reference, if applicable
3. Identification of action(s) taken relating to corner/monument condition

In addition, the graph field on page two (2) would be replaced with a blank field so that the licensee does not feel limited to completing the page within graph lines.

Since the change only involves information needed to complete the Corner Record form, this proposed amendment would not task licensees, consumers, or agencies with any additional cost in an effort to comply with this section.

Business and Professions Code section 8710(a) provides the Board for Professional Engineers, Land Surveyors, and Geologists (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 regulatory amendments 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 clarity to the licensee and to the agency to which it is being submitted (County Surveyor). This regulatory action would provide consistency with the land surveying industry's current procedures and maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

2. Anticipated benefits from this regulatory action:

- a) Updating the current corner record language would incorporate the various statute changes that have occurred since 16 CCR Section 464 was last amended in 1977 and further clarify this regulation. These amendments would also provide consistency within the Board's current procedures and maintain the Board's mission to safeguard the life, health, property, and welfare of the public.
- b) Revising the corner record form would result in the process becoming faster and more efficient since there would be less questions or confusion regarding the information on the form. The benefit to the consumer would

likely be less cost to file the document and a faster turnaround time with the agency. These amendments would also provide consistency within the Board's current procedures and maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

Factual Basis/Rationale

The Land Surveyor Technical Advisory Committee (TAC) was established by the Board pursuant to Business and Professions Code section 8715 for the purpose of identifying and discussing issues related to the practice of land surveying. During several meetings of the TAC, the preparation and review of the Corner Record was discussed. The committee members identified the need to amend the current Corner Record form stating that the information reported on Corner Records has changed over the years and relates mostly to the identification of monuments for the purpose of monument preservation. As such, the information on the Corner Record should be amended to address information more closely related to monument preservation, such as the addition of check boxes on the document.

The TAC, however, recommended to the Board that changes be made to the document. The Board, after being presented with the information, directed staff to proceed with the formal rulemaking process to modify the Corner Record.

Business and Professions Code section 8773 defines a Corner Record and describes when a Corner Record may be filed. Title 16 CCR, Section 464 sets forth the information required to be included on a filed Corner Record.

Title 16 CCR, Section 464 also incorporates by reference the Corner Record document, currently listed as BORPELS-1297.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

1. Board Meeting, October 10, 2013, Agenda Item VII, Consideration of Rulemaking Proposals, Proposed amendments to Division 29 of Title 16, California Code of Regulations.
2. Technical Advisory Committee Meeting, August 27, 2013, Agenda Item 5, Review Corner Record requirements as specified in 16 CCR Section 464 for possible changes.
3. Technical Advisory Committee Meeting, April 12, 2013, Agenda Item 6, Review Corner Record requirements as specified in 16 CCR Section 464 for possible changes.
4. Goal 2, Board for Professional Engineers, Land Surveyors, and Geologists 2011-2014 Strategic Plan

Business Impact

This proposed regulatory action will not have a significant adverse economic impact on businesses. This initial determination is being made since the amendments only affect the updating of the language of the regulation to mirror the statutes previously in effect and to update and add minor information to the Corner Record form. No additional cost is being required of the licensee, the consumer, or the agency.

Economic Impact Assessment

This proposed regulatory action will have the following effects:

- It will not create or eliminate jobs within the State of California because the proposal only affects the updating of the language of the regulation to mirror the statutes previously in effect and minor changes to the Corner Record form, including format and content, which will be incorporated by reference.
- It will not create new businesses or eliminate existing businesses within the State of California because the proposed rulemaking action only affects the updating of the language of the regulation to mirror the statutes previously in effect and makes minor changes to the Corner Record form for the sake of clarification and efficiency.
- It will not affect the expansion of businesses currently doing business within the State of California because the proposed rulemaking only affects the updating of the language of the regulation to mirror the statutes previously in effect and action only makes minor changes to the Corner Record form for the sake of clarification and efficiency.
- This proposed rulemaking action does not affect the health and welfare of California residents because it only affects the updating of the language of the regulation to mirror the statutes previously in effect and only makes minor changes to the Corner Record form for the sake of clarification and efficiency.
- This proposed rulemaking action does not affect work safety because it only affects the updating of the language of the regulation to mirror the statutes previously in effect and only makes minor changes to the Corner Record form for the sake of clarification and efficiency.
- This proposed rulemaking action does not affect the state's environment because it only affects the updating of the language of the regulation to mirror the statutes previously in effect and only makes minor changes to the Corner Record form for the sake of clarification and efficiency.

Specific Technologies or Equipment

This proposed regulatory action does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the proposed regulatory action would be either more effective than or as effective as and less burdensome on affected private persons than this proposal.

The alternative to this proposed regulatory action would be to retain the current Corner Record language and continue to have information that is not consistent with the current enabling statutes.

The alternative to this proposed regulatory action would be to continue using the current Corner Record form, which may continue to result in delays in processing and confusion regarding the intent of some of the information on the Corner Record form.