MEETING OF THE LAND SURVEYOR TECHNICAL ADVISORY COMMITTEE OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Division of the State Architect Department of General Services 10920 Via Frontera, Conference Room A San Diego, CA 92127 (916) 263-2222

Wednesday, June 10, 2015, 1:00 p.m.

LAND SURVEYOR TECHNICAL ADVISORY COMMITTEE

	Members:	Michael S. Butcher, PLS; Paul J. Enneking, PLS; Scott (Landon) Blake, PLS; Greg Hopkins, PLS; Edward M Reading, PLS	
В	oard Liaisons:	Patrick J. Tami, PLS; Coby King	
	Staff Liaison:	Raymond L. Mathe, PLS	」 Pages
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1. Roll Call

2.	Public	c Comment

Second:

MEETING OF THE LAND SURVEYOR TECHNICAL ADVISORY COMMITTEE OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive
Third Floor Conference Room
Sacramento, California, 95833
Thursday, March 20, 2014, 1:00 p.m.

LAND SURVEYOR TECHNICAL ADVISORY COMMITTEE

Members:	Michael S. Butcher, PLS; Michael B. Emmons, PLS; Paul J.
	Enneking, PLS; William Hofferber Jr., PLS
Board	Patrick J. Tami, PLS; Coby King
Liaisons:	
Staff Liaison:	Raymond L. Mathe, PLS

1. Roll Call

Roll was called and a quorum established. The meeting was called to order at 1:05 p.m.

2. Public Comment No public comment

3. Approval of LS TAC Minutes, Tuesday, August 27, 2013

MOTION: Michael Butcher and Paul Enneking moved to approve

VOTE: 4-0, motion passed

 Review Rule Change Package for Corner Record requirements as specified in Board Rule 464 for possible changes
 Mr. Kereszt provided an overview of the proposed changes to the Corner Record form and briefly explained the rulemaking process.

Many suggestions were presented by the TAC. It was decided that the TAC will revisit this topic at a future meeting. Comments will be collected by Mr. Mathe.

- Update on Administrative Task Force status for Board Rule 425(c) and (d) regarding Criteria for Responsible Training for applicants
 Mr. Mathe reported that there has been no action on this item since the last TAC meeting.
- 6. Discussion of Legislation for 2014: AB 1551; AB 1855
 AB 1551 Mr. Moore indicated that staff has met with Holden's office and ACEC and are waiting to hear back to see if language was accepted. Mr. Mathe explained that the Board is in a support position but if there are recommendations, they need to be addressed. Ms. Eissler pointed out that the only issue that should be addressed in the bill would be that the Board have the authority to take disciplinary action against a licensee if the licensee has been found by a court of law to have violated the intellectual property rights by another licensee.

AB1855 – Staff is still preparing bill analysis. Mr. Emmons commented that he likes the bill as it clarifies something that has been discussed at great length. Mr. Hofferber agreed. Ms. Eissler confirmed the difference between 8726 (c) that currently includes easement and 8726 (e) that does not include easement.

- 7. Review Inquiry about contractors providing construction staking Mr. Mathe reported that he received an email for discussion purposes regarding this matter. Mr. Butcher believes electrical contractors can. He referenced Business and Professions Code section 6731 that does not include electrical facilities.
- 8. Discussion of Contractors brokering surveying and engineering services Mr. Mathe reported that a contractor is not exempt from the Land Surveyor's Act to broker land surveying. Contractors may hire land surveyors for their own needs, but they cannot offer to hire a land surveyor as part of the services they are providing. Mr. Duke indicated that the issue of concern is the offering, procurement, and coordination of land surveying services.
- Update on technical and professional societies' legislative activities (Discussion Only)
 Mr. Butcher reported that CLSA has approved language for 8771(b) but it is not yet in bill form.
- Report on August 28-29, October 10, December 5, 2013 and February 12-13, 2014 Board Meetings
 Mr. Tami reported that the Board is now at capacity with a full 15 member board.
- 11. Proposed 2014/2015 LSTAC Workplan

MOTION: Mr. Enneking and Mr. Emmons moved to approve the

workplan

VOTE: 4-0, motion passed

12. Date of Next TAC Meeting

Mr. Mathe reported that currently there are no proposed dates.

- Other Business Not Requiring Committee Action
 Mr. Moore presented Certificates of Appreciation to both Michael Emmons and William Hofferber for their service to the TAC.
- 14. Meeting adjourned at 4:35 p.m.

PUBLIC PRESENT

Roger Hanlin, CLSA Paul Fredrickson, CalTrans

4.	Update on Rulemaking Proposal to Amend Board Rule 464 (Title 16, California Code of Regulations section 464) regarding Corner Records

464. Corner Record.

- (a) The corner record required by Section 8773 of the Code for the perpetuation of monuments shall contain the following information for consistent with each corner identified therein:
 - (1) The county and, if applicable, <u>the</u> city in which the corner is located.
 - (2) An identification A brief legal description of the township, range, base, and meridian or the Rancho in which the corner is located, if applicable.
 - (3) Identification of the corner type (example: e.g., government corner, control corner, property corner, etc.).
 - (4) <u>A reference to the California Coordinate System is optional at the discretion of</u> the preparer of the record.
 - (5) Identification of the reference of the related statute (i.e., Section 8765(d), Section 8771, Section 8773, or other relevant sections of the Code).
 - (6) Description of the physical condition of
 - (A) the monument(s) as found and
 - (B) any monuments monument(s) set or reset.
 - (5) (7) The date of the visit to the monument when the information for the corner record was obtained.
 - (8) For corners for which the corner record is filed in accordance with Section 8765(d) of the Code, the information shown on the corner record shall also show the applicable provisions of Section 8764 of the Code.
 - (9) For corners for which the corner record is filed in accordance with any subdivision of Section 8771 of the Code, the information shown on the corner record shall also show the applicable provisions of Section 8771 of the Code.
 - (6) (10) For Public Land Corners for which a corner record is required by Section 8773(a) of the Code, a sketch shall be made showing site recovery information that was used for the corner. For other kinds of corners, a drawing shall be made which shows measurements that relate the corner to other identifiable monuments.
 - (7) A reference to the California Coordinate System is optional at the discretion of the preparer of the record.
 - (8) (11) The date of preparation of the corner record and, as prescribed by Section 8773.4 of the Code, the signature and title of the chief of the survey party if the corner record is prepared by a United States Government or <u>a</u> California State agency or the signature and seal of the land surveyor or civil engineer, as defined in Section 8731 of the Code, preparing the corner record.
 - $\frac{(9)}{(12)}$ The date the corner record was filed and the signature of the county surveyor.
 - (10) (13) A document or filing number and/or Agency Index information.
- (b) A corner record shall be filed for each public land survey corner which is found, reset, or used as control in any survey by a land surveyor or a civil engineer. Exceptions to this rule are identified in Section 8773.4 of the Code.
- (c) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.
- (d) A corner record may be filed for any property corner, property controlling corner, reference monument, or accessory to a property corner, together with reference to record

information. Such corner record may show one or more property corners, property controlling corners, reference monuments, or accessories to property corners.

- (e) A corner record is limited to on a single corner record document, in accordance with Section 8773.1 of the Code, and shall be so long as it is legible, clear, and understandable. A corner record may be submitted in an electronic medium if the county surveyor has a system to provide for the submittal, archiving and distribution to the public in an electronic or hard copy format.
- (e) When conducting a survey which is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with these records are found and where sufficient monumentation is found to establish the precise location of property corners thereon, a corner record may be filed in lieu of a record of survey for any property corners which are set or reset or found to be of a different character than indicated by prior records. Such corner records may show one or more property corners, property controlling corners, reference monuments or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.
- (f) The standard markings and standard abbreviations used by the Bureau of Land Management (formerly the General Land Office) of the United States Department of the Interior shall be used in the corner record.
- (g) The corner record shall be filed on a form prescribed by the Board. The approved form is BORPELS-1297 BPELSG-2015.

CORNER RECORD Agency Index

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Brief Legal Descript	ion				
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5.	Review and Discussion of Possible Amendments to Board Rule 425 (Title 16, California Code of Regulations section 425) regarding Experience Requirements – Professional Land Surveyors (Possible Action)

Board Rules and Regulations Relating to the Practices of Professional Engineering and Professional Land Surveying

California Code of Regulations Title 16, Division 5 §§ 400-476

Article 2. Applications

425. Experience Requirements - Professional Land Surveyors.

- (a) An applicant for licensure as a professional land surveyor shall be granted credit towards the experience requirements contained in Sections 8741 and 8742 of the Code, for the following education curriculum:
 - (1) Four (4) years experience credit for graduation from an approved land surveying curriculum.
 - (2) Two (2) years experience credit for graduation from a non-approved land surveying curriculum.
 - (3) Five (5) years of experience credit for graduation from an approved cooperative work-study land surveying curriculum.
 - (4) One-half (1/2) year of education credit for each year of study completed in an approved land surveying curriculum that did not result in the awarding of a baccalaureate degree, except that the maximum of such experience shall be two (2) years. A year of study shall be at least 32 semester units or 48 quarter units, no less than 10 semester units or 15 quarter units of which shall be from classes clearly identified as being land surveying subjects.

"Life Experience Degrees" are not acceptable and will not be counted towards the education credit.

- (b) All qualifying work experience in land surveying shall be performed under the responsible charge of a person legally authorized to practice land surveying. An applicant shall possess at least two years of actual responsible training experience in land surveying which shall involve at least four of the land surveying activities specified in subdivisions (a) (g) and (k) (n) of Section 8726 of the Code. Qualifying experience in activities specified in subdivision (a), (b), (m), and (n) of Section 8726 shall not exceed one year. Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week.
- (c) For purposes of Section 8742 of the Code, the term "responsible field training" experience may include, but is not limited to, the land surveying activities listed below. Under the responsible charge, direction, and review of a person legally authorized to practice land surveying, the applicant:
- (1) Determines field survey methods and procedures, including selection of accuracy standards.

- (2) Selects or verifies that the correct control monumentation is used to establish the designated survey datum(s) (horizontal and vertical) and selects on-the-ground locations for control monuments.
- (3) Determines the relevance of monuments and physical field evidence for the purpose of establishing boundary and property lines.
- (4) Reviews measurement observations for the determination of accuracy, completeness, and consistency.
 - (5) Reviews field notes and records for application of proper field survey procedures.
- (6) Plans, performs, and reviews field checks and, based on such checks, determines if completed field surveys are accurate and sufficient.
- (7) Searches for boundary and control monuments; assists in analyzing field evidence for locating boundary points and lines; identifies and describes such evidence; compares record data to found physical evidence; compares record data to measured data; documents discrepancies; assists in acquiring and documenting testimony regarding boundary locations; recommends boundary location and/or establishment; selects or verifies that the correct controlling monuments are used to locate or establish boundary points and lines; and prepares draft record documents.
- (8) Coordinates the fieldwork necessary to prepare maps, plats, reports, descriptions, or other documents.
- (9) Recommends when existing boundary monuments are to be replaced, selects the method(s) to be used for replacing and resetting monuments, and prepares field documentation of such work, including that necessary for Parcel Maps, Final Maps, Record of Survey Maps, and Corner Records.
- (10) Functions as a party chief, chief of parties, or lead person in charge of field crew(s) in the performance of field surveys.
- (11) Plans and performs field observations using Global Positioning System technology and determines if completed field surveys are accurate and sufficient in geodetic and land surveying applications.
- (12) Performs surveys to facilitate the location or construction of infrastructure and fixed works of improvement.

The enumeration of the above tasks does not preclude the Board from awarding "responsible field training" credit for training of a similar character in other current or future land surveying activities not specifically enumerated herein. It is also understood that the listed tasks are only some of those that may be considered as responsible training, and that this list is not in any way intended to enumerate all of the tasks which may be performed by licensed Professional Land Surveyors.

- (d) For purposes of Section 8742 of the Code, the term "responsible office training" experience may include, but is not limited to, the land surveying activities listed below. Under the responsible charge, direction, and review of a person authorized to practice land surveying, the applicant:
- (1) Performs the planning and analysis necessary for the preparation of survey documents, such as Parcel Maps, Final Maps, Record of Survey Maps, Corner Records, legal descriptions, topographic maps, plat maps, lot line adjustments, annexations, and boundary line agreements.
 - (2) Reduces and evaluates field data.

- (3) Develops procedures and systems for the collection, reduction, adjustment, and use of land surveying data.
 - (4) Prepares data to be used by field surveyors or field crews.
- (5) Coordinates the processing of maps, plats, reports, descriptions, or other documents with local agencies, other licensed surveyors, or County Surveyors Offices.
- (6) Coordinates the office work necessary to prepare maps, plats, reports, descriptions, or other documents.
- (7) Coordinates survey and design efforts for improvement plans as required for sufficiency to enable proper location of improvements in the field.
 - (8) Researches public and private records to obtain survey and title data.
- (9) Performs boundary analysis and determination using record descriptions, survey, and title data.
- (10) Plans and coordinates the application of Global Positioning System technology for geodetic and land surveying applications.
- (11) Plans, coordinates, performs, and reviews the entry of property boundary related geo-referenced data into an electronic database.
 - (12) Prepares topographic mapping utilizing photogrammetric methods.

The enumeration of the above tasks does not preclude the Board from awarding "responsible office training" credit for training of a similar character in other current or future land surveying activities not specifically enumerated herein. It is also understood that the listed tasks are only some of those that may be considered as responsible training, and that this list is not in any way intended to enumerate all of the tasks which may be performed by licensed professional land surveyors.

- (e) Computation of qualifying experience for a license as a professional land surveyor shall be to the date of filing of the application, or it shall be to the final filing date announced for the examination if the application is filed within a period of thirty (30) days preceding the final filing date announced for such examination.
- (f) An applicant for licensure as a land surveyor who holds a valid and unexpired license as a civil engineer is exempt from the application requirements of (subdivisions (b), (c), and (d) of this section provided he or she submits sufficient documentation that he or she has a minimum of two years of actual broad based progressive experience in land surveying as required by Business and Professions Code Section 8742(a)(3).

PROFESSIONAL LAND SURVEYORS' ACT

(Business and Professions Code §§ 8700 – 8805)

INCLUDES AMENDMENTS MADE DURING THE 2014 LEGISLATIVE SESSION (Effective January 1, 2015, unless otherwise noted)

CHAPTER 15. LAND SURVEYORS

Article 4. Issuance of License

8742. Education - experience requirements

- (a) The educational qualifications and experience in land surveying, which an applicant for the second division examination shall possess, shall be not less than one of the following prescribed criteria:
 - (1) Graduation from a four-year curriculum with an emphasis in land surveying approved by the board or accredited by a national or regional accrediting agency recognized by the United States Office of Education at a postsecondary educational institution and two years of actual broad based progressive experience in land surveying, including one year of responsible field training and one year of responsible office training satisfactory to the board.
 - (2) Actual broad based progressive experience in land surveying for at least six years, including one year of responsible field training and one year of responsible office training satisfactory to the board.
 - (3) Registration as a civil engineer with two years of actual broad based progressive experience in land surveying satisfactory to the board.
- (b) With respect to an applicant for a license as a land surveyor, the board shall count one year of postsecondary education in land surveying as one year of experience in land surveying up to a maximum of four years, provided the applicant has graduated from the course in land surveying and the curriculum in land surveying is approved by the board or is accredited by a regional or national accrediting agency recognized for the purpose by the United States Office of Education. Each year of study in an approved or an accredited course in land surveying without graduation shall be counted the same as one-half year of experience.

Each applicant claiming equivalent credit for education may be required to produce a complete transcript of all college level courses completed.

Until January 1, 2000, the board may, at its discretion, confer credit as experience in land surveying, not in excess of two years, for successfully passing the first division of the examination prescribed in Section 8741.

8743. References required

The names and addresses of at least four land surveyors or civil engineers, duly qualified to practice in the place in which such practice has been conducted, each of whom has sufficient knowledge of the applicant to enable him to certify to the applicant's professional integrity, ability and fitness to receive a license, shall be submitted with the application for the second division of the examination.

6	Update on technical and professional societies' legislative activities (Discussion Only)
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7.	Report on April 24-25, June 5-6, July 31-August 1, September 25-26, and November 13-14, 2014 Board Meetings; and February 9-10 and April 15-16, 2015 Board Meetings (If necessary)

8.	Review proposal the Definition of (Possible Action)	from the Intern Land Surveying	ational Union ng in §8726	of Operating of the Profe	Engineers, Lo essional Land	cal 3 to Amend Surveyors' Act

At the request of the International Union of Operating Engineers, Local 3 (IUOE), BPELSG has agreed to facilitate an open public discussion regarding a change to the PLS Act proposed by the IUOE to amend the Definition of Land Surveying in §8726 of the Professional Land Surveyors' Act. IUOE's proposed language follows:

8726. Land surveying defined

A person, including any person employed by the state or by a city, county, or city and county within the state, practices land surveying within the meaning of this chapter who, either in a public or private capacity, does or offers to do any one or more of the following:

- (a) Locates, relocates, establishes, reestablishes, or retraces the <u>layout</u>, alignment or elevation for any <u>of the fixed works improvements</u> embraced within the practice of civil engineering, as described in Section 6731, <u>including any items designed within the practice of civil engineering</u>, <u>architectural design</u>, <u>mechanical engineering</u>, <u>electrical engineering</u> or <u>structural engineering</u>.
- (b) Determines the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics, or photogrammetry or bathymetry. This includes the collection of horizontal and vertical positions of fixed objects for engineering design through scanning or other forms of three dimensional data acquisition. This also includes measurements collected for volumetric calculations of earthwork, capacities or geospatial establishment of positions in reference to items within the practice of civil engineering as described in Section 6731.
- (c) Locates, relocates, establishes, reestablishes, or retraces any property line or boundary of any parcel of land, right-of-way, easement, or alignment of those lines or boundaries.
- (d) Makes any survey for the subdivision or resubdivision of any tract of land. For the purposes of this subdivision, the term "subdivision" or "resubdivision" shall be defined to include, but not limited to, the definition in the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) or the Subdivided Lands Law (Chapter 1 (commencing with Section 11000) of Part 2 of Division 4 of this Code).
- (e) By the use of the principles of land surveying determines the position for any monument or reference point which marks a property line, boundary, or corner, or sets, resets, or replaces any such monument or reference point.
- (f) Geodetic or cadastral surveying. As used in this chapter, geodetic surveying means performing surveys, in which account is taken of the figure and size of the earth to determine or predetermine the horizontal or vertical positions of fixed objects thereon or related thereto, geodetic control points, monuments, or stations for use in the practice of land surveying or for stating the position of fixed objects, geodetic control points, monuments, or stations by California Coordinate System coordinates.
- (g) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in subdivisions (a), (b), (c), (d), (e), and (f).
- (h) Indicates, in any capacity or in any manner, by the use of the title "land surveyor" or by any other title or by any other representation that he or she practices or offers to practice land surveying in any of its branches.
- (i) Procures or offers to procure land surveying work for himself, herself, or others.
- (j) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed or practiced. 6 2015 Professional Land Surveyors' Act

- (k) Coordinates the work of professional, technical, or special consultants in connection with the activities authorized by this chapter.
- (l) Determines the information shown or to be shown within the description of any deed, trust deed, or other title document prepared for the purpose of describing the limit of real property in connection with any one or more of the functions described in subdivisions (a) to (f), inclusive.
- (m) Creates, prepares, or modifies electronic or computerized data in the performance of the activities described in subdivisions (a), (b), (c), (d), (e), (f), (k) and (l).
- (n) Renders a statement regarding the accuracy of maps or measured survey data. Any department or agency of the state or any city, county, or city and county that has an unregistered person in responsible charge of land surveying work on January 1, 1986, shall be exempt from the requirement that the person be licensed as a land surveyor until such time as the person currently in responsible charge is replaced.

The review, approval, or examination by a governmental entity of documents prepared or performed pursuant to this section shall be done by, or under the direct supervision of, a person authorized to practice land surveying.

9. Proposed 2015/2016 LSTAC Workplan (Possible Action)

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944 Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370 12

Facsimile: (916) 263-2246 www.bpelsg.ca.gov

PROPOSED WORK PLAN TECHNICAL ADVISORY COMMITTEE (PROFESSIONAL LAND SURVEYOR)

INTRODUCTION

TAC (PLS) recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board for Professional Engineers and Land Surveyors. The input may take the form of assistance to Board staff, direct assistance to the liaison Board members, or recommendations made directly to the Board in the form of proposed motions or recommendations. In all cases, the focus of the activities of the TAC (PLS) will be in the interest of safeguarding property and public welfare.

YEAR PLAN

- 1. To assist the Board staff in the review of applications for licensure as a Professional Land Surveyor.
- 2. To help clarify "gray" areas in the existing laws, rules, and regulations regarding the practice of land surveying and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
- 3. To aid in formulating suggested procedures, information required, and questions to be asked with regard to enforcement issues relating to the practice of land surveying, and to advise the Board staff upon review of such enforcement cases.
- 4. To meet in closed session to address specific consumer and inter-professional complaints, and make recommendations to the Board regarding their solutions.
- 5. To review proposed legislation that would affect the practice of land surveying.
- 6. To review ABET matters regarding the practice of land surveying when referred by the Board.
- 7. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding land surveying when referred by the Board.
- 8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.
- 9. To assist Board staff in the review of Board Rule 425 Responsible training and educational requirements and make recommended changes to meet practice standards.

10. Election of 2015/2016 Chairman and Vice-Chairman

11. Date of Next TAC Meeting

12. Other Business Not Requiring Committee Action

13. Adjourn