

Cleveland Surveying News

April 2012

What's the story here?
See Page 14

- **Scholarship application deadline extension: April 27**
- **April 12: Social Dinner with NPS Speaker, 0.5 PDH**

Cleveland Chapter

Professional Land Surveyors of Ohio

"United we stand, divided we perish"
- William J. Haas, 1974

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Note: May's seminar will be Thursday May 3rd at the Cuyahoga County Classroom facility. Speaker and topic TBA. Look for final details in the May CSN.



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Chapter Scholarship Extension

Our chapter's scholarship application submission deadline has been extended to **April 27**. Visit our Scholarship webpage <http://cleveland.plso.com/scholarship.html> or [click here](#) to download the rules and application form.

Contact Scholarship Committee chairman Chris Tomko 440-925-0797 ctomko@rewarner.com with questions.

Letter to the Editor

Golly, I went and reviewed some of my standard drawing notes based upon attorney Harvey's scary warnings in the September 2011 CSN and from his March seminar.

I revised my underground utility disclaimer to read just like ALTA/ACSM's new language, *"the exact location of underground features cannot be accurately, completely and reliably depicted hereon."*

Thanks, CSN.

—Joe Surveyor

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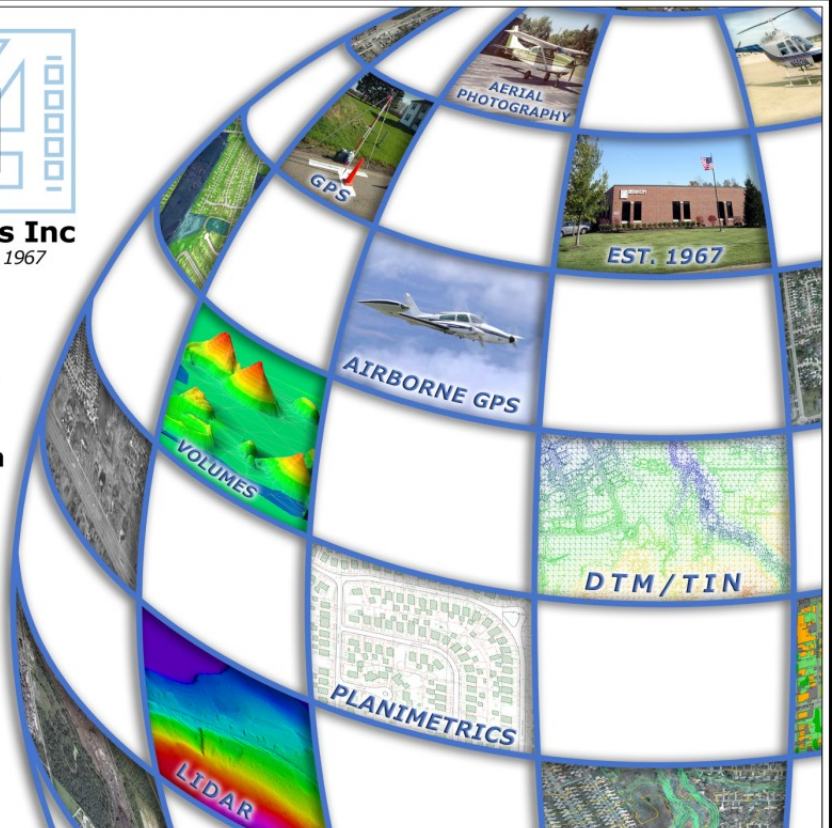
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President's Message

Something I've realized from recent work projects is that people I come in contact with most times assume I am using GNSS equipment. But the good thing is that they identify what I'm doing as Surveying. A comment I got from a property owner was that he could not believe a surveyor several years ago spent 3 to 4 hours performing a survey on his property. It's just not as simple as powering up a GNSS receiver that points us to property corners as soon as we get out of our truck. This shows the need to educate the public as to what is involved with Surveying.



Robert Hoy
President

I know there are Surveyors who explain to property owners all what is involved in performing a boundary survey with the laws that govern us when they give a quote. This helps them understand why prices may differ if another surveyor is not providing everything required. It also educates the homeowner on what all is involved with providing Surveying services. It's not as simple as calling up a fence company for prices.

Speaking of giving quotes, I sat in on an excellent business session at the Annual Conference. It was presented by a kitchen remodeling company, but the business practices and ideas easily relate to our profession too. Their business model was selling solutions and services, not price. In fact they don't even give quotes let alone free quotes. They sign clients based upon their reputation and negotiate services including requiring a retainer. A very different business model than what Surveyors do. ODOT awards contracts based upon qualifications and performance. Changing the minds of homeowners and construction companies would take effort to hire Surveyors based upon reputation, level of service provided, and degree of professionalism.

Professionals brings me back to a quote I included in a past newsletter from our first president Bill Haas:

From "Backsights and Foresights", May 1974 (prelude to the Chapter newsletter):

No longer will we harbor men who are "between jobs" or "unable to find other employment." We will be selective in choosing men who would make surveying their career, jealously guarding against those who would demean the profession. Those who are selected will be expected to enhance their abilities through experience and by availing themselves of the educational programs we provide, for which they will be compensated in a manner that will enable them to be proud of their endeavors and not "second class citizens."

Proprietors will no longer be forced to compromise their standards for the sake of expedience. Quality and service will be their selling points with experienced, concerned personnel available to provide them. In engineering oriented firms the surveying portion will at least be self supporting. Remember, profit is not a dirty word in the surveying profession!

Bill's advice is as good today as it was 38 years ago when he wrote it.

Robert Hoy, P.S.
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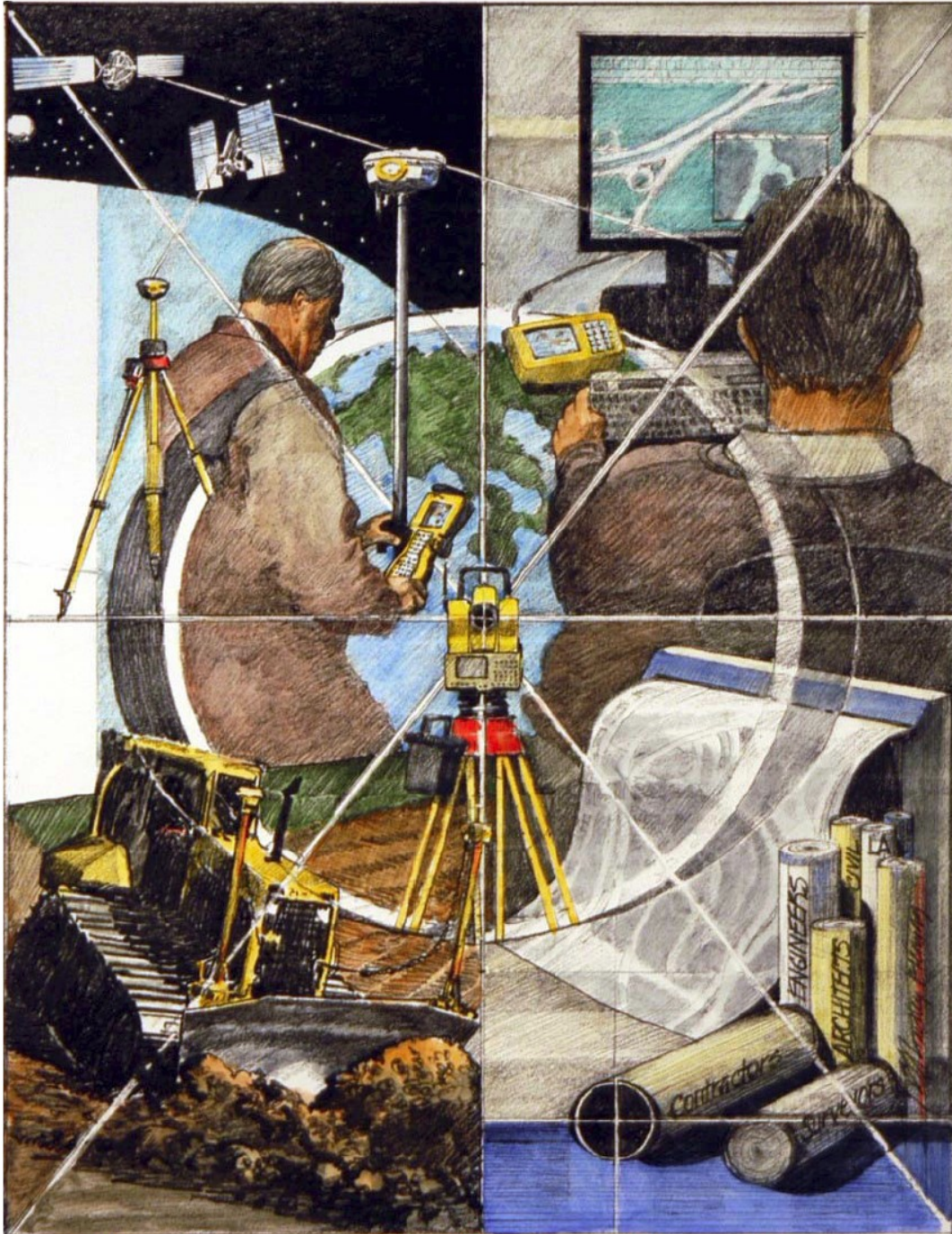
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Cleveland Chapter's Delegate Report

Presented by Thomas M. Snezek, Chapter Delegate

The report included herein is offered only as informational to the members of the Cleveland Chapter. The reader is deferred to the approved minutes of the P.L.S.O. for any clarifications

Call to order at 6:09 PM, Friday March 9, 2012, Columbus State University in, Columbus Ohio.

- Devotions and Pledge of Allegiance
- A Quorum was not reached until 6:35 PM with two late arrivals.
- One agenda revision to add discussion of the Rhode Island letter for support, (section 5.4 under new business).
- Minutes of January 13 meeting reviewed and motion passed to accept.
- Treasurer's Report Reflects adjustments to correct credit card charges to specific events. This will show up in the profit of the Annual Conference but will be more accurate. Report accepted subject to audit.

Unfinished Business – No Report

New Business –

- Motion passed to accept 2 new student, 1 associate, and 10 professional members.
- President Parsell declared that all Special Committees will remain as is.
- Don Pickenpaugh appointed as Chair of the Scholarship Fund Board.
- State of Rhode Island's "Society of Professional Land Surveyors" submitted letter to our association to petition support for a change of the Model Law to remove "Engineering Surveys" from the NCEES Chapter 110.20 definitions. Each chapter is being asked to review and comment for the April meeting. It will be available for review on the Member's Section of the State website. (Cont'd on Page 9)



Thomas Snezek
Delegate

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Delegate Report (from Page 8)

Inter-Association Delegates -

- C.E.A.O. – No Report
- O.D.O.T. – no Report
- State Board – Director Gilpin reported their next meeting will be March 15th. After discussion, motion carried to co-fund the refreshments for the Certificate Ceremony with a \$300 contribution.
- O.G.R.I.P. – No Report

Committee Reports –

- P.A.C. – Current balance = \$3,198.35. The Auction at the Annual Conference brought in \$1,037 which is less than half of last year's take.
- Standards – No Report
- State Line – No Report
- Historic – No Report
- Newsletter – O.S.N. in process. Printing on March 19th.
- N.S.P.S. Governor – The merger with A.C.S.M. may fail if the details are not ironed out by the end of April. American Association for Geodetic Surveying, (A.A.G.S.) and Geodetic & Land Information Society, (G.L.I.S.), have 2/3 of the vote and they have yet to come to terms on the disposition of the facilities and properties of A.C.S.M. N.S.P.S. will continue to try to resolve the issues.
- March 18th Begins National Surveyor's Week. All are asked to post any interesting Surveying experience or field observations.
- Discussions are on-going to possibly lower the membership fees in an effort to increase N.S.P.S. membership.
- Trig*Star deadline has been extended to May 1st.
- C.S.T. Coordinator – No Report

Standing Committees –

- Program –
 - 2012 Annual Conference is reporting \$16,000 in net revenues with all bills paid and \$3000 already paid to the Host Chapter.
 - 2013 committees are moving along on schedule.
 - 2014 committee will meet in Cleveland sometime in April or May.
 - Outside of the Conferences, the Surveyors Refresher Courses are experiencing low attendance. The instructors do not want to travel outside of Columbus to teach the three-day class. At meeting in April will discuss options. Possibly an on-line study guide or a one day review.
 - Workshops – U.R.I.S.A. Partnership with the P.L.S.O. CPD workshop on "Standardized Data Sets for Land Records" on Wednesday, May 9th. (See flyer in this Newsletter [click to download](#)).
- Membership – No Report
- Inter-professional Affairs – No Report
- Education – No Report
- Legislation – Director Gilpin reported that H.B. 32 passed the Senate
- Finance – No Report
- Past Presidents Council – No Report
- Scholarship – No Report
- Scholarship Fund Board – Roberts Akins discussed the raffle of the collector's Limited edition 22-caliber "Henry" rifle.
- Fundraising – Scholarship balance is \$77,557.13 and earned \$2,664 at the Conference Auction. The P.A.C. balance is \$3,198.35 and earned \$1,037 at the Auction.
- Communications Committee – No change of the new Logo issue

(Cont'd on Page 11)

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Delegate Report (from [Page 9](#))

– Management review – No Report

Chapter Delegates Reports –

Notable discussion ensued from the Tuscarawas delegate Dave Bodo. The Oil and Gas companies working in Southeastern and Eastern Ohio are bringing in dozens of out-of-state surveyors to perform construction staking, topographic, alignment and other forms of site developmental work related to the Utica Shale drilling operations. Additionally, pipeline easement descriptions are being prepared with little regard for property rights and virtually no physical tie-downs to property boundaries.

After much discussion, a motion was passed to have the Standards Committee meet to draft language for easements. At the April meeting, the agenda will carry discussion of the language and possibly move it to the Legislative Committee for a draft of a “White Paper”.

President Elect’s Report – No Report.

P.L.S.O. Staff Report –

- Continued work on Drop List. Should be emailed week of March 12th.
- Outstanding exhibit package on display at the State House for Surveyor’s Week, thanks to Dean Ringle.
- Director’s staff in putting together updated “New Member” packets.
- Revised payment plan for annual dues will be drafted and reviewed at the next meeting.

President’s Report – No report.

Adjourned 8:56 PM

See attachments on page 17.

Thomas Snezek, P.S.
Chapter Delegate

Random Lines

by John Dailey, P.S.

The Certification Trap

One of the nice things about being retired is having the opportunity to make a pest of myself. A local gas utility is in the process of laying new gas lines in my neighborhood. I watched as they marked out all of the utility locations and the service connections. I had the opportunity to witness their directional boring (rather than open cut trenching) and their preparations for that boring. Being a one-time gas company employee, I informed the job superintendent that I was his worst nightmare: a side walk superintendent that knew what they were doing. Everything was moving along reasonably until last night when the directional boring machine happened to hit a water line in the street that was not located or marked out on the ground. That would not be too bad of a situation except that this was a 30 inch diameter water line that did not show up on the plans. How in the h__ _ could you miss a 30 inch water line? To put it bluntly, someone blew it, most likely the researcher. I have to presume that someone called O.U.P.S. and made a request for the location of “all utilities”. There is another company on site marking the locations so I don’t know where the responsibility lies.

Back in the old days (when I was still working for a living) I know that there was always a problem in getting the locations of underground utilities. Before O.U.P.S., (in the really old days) you had to contact each utility individually which was time consuming but often more effective. You had the opportunity to develop a relationship with the person responsible for generating the information that you required and this often paid off in better service. With the birth of O.U.P.S. it was supposed to be easier and more efficient to make only one call. Well, sometimes it was, but their response time began to lag unless you were immediately ready to dig. The rules changed and any ground penetration required a call and that included setting iron pins and possibly even stakes.



John Dailey, P.S.

When we as Surveyors are doing topographic and location surveys for land and site development, it is always a “crap shoot” as to what was hiding underground. O.U.P.S. and the utilities were hesitant to give out that information for “just a design project.” Then 9/11 came along and things got progressively worse. Utility security became a major issue.

(Cont’d on [Page 12](#))



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Random Lines (from Page 11)

We Surveyors. as the first ones on the site, have the responsibility of locating everything. We could legitimately only show what was visible on the surface, such as man-holes, catch basins and valve boxes. You could not "guarantee" how all this connected underground and over the years this caused certain problems.

One of the larger problems comes with certifications presented to us by clients, attorneys and title companies. They often requested us to "certify" that "all utilities were shown" and that their locations were "accurate and correct." From a liability stand point, this is a mine field.

We have all received a certification prepared by the lender's attorney asking us to certify to almost everything in the world. How often have you been asked to certify that there has never been a cemetery on the site, or that this site has never been used as a dump area or, my favorite, that there is no hazardous material on the site. I don't know about you, but I am not licensed to do subterranean investigation or to identify "hazardous material." I cannot and will not dig up the entire site looking for bodies, take test bores to look for unnatural fill material or try to decide what is "hazardous."

You could take the easy (as far as the client is concerned) way out and sign something, even if you are not

comfortable with it. But this could present you with some very interesting problems. First, the client/attorney/title company recognizes that they own you and can dictate their conditions to you. Second, your liability carrier will hate you (or drop you) for being a fool for taking on more liability than you should. And third, you take the chance of losing everything you have ever worked for such as home, business and possessions. That would make your spouse really happy.

Always keep mind that you can only certify to facts absolutely known to you, not to opinion or to someone else's information. When you put your name and seal on the line, you are informing the world that they can rely on your work. That certification is your guarantee, your solemn word, that your work can be trusted. Your business, your assets and your reputation are riding on that certification. Exercise it wisely.

Mind your research. Look, look, look then look again. Make sure that you have everything covered, especially your behind. Be very cautious of the utilities you are showing. What you show and what you do not show could be a problem.

John Dailey. P.S., Past
idailey@sbcglobal.net

Trig*Star

This year we have St. Edward's High School in Lakewood taking the Trig*Star competition test on April 2. A big thanks goes out to Peter D. Zwick for getting a math class to take the test. This is how we need to get things accomplished in the future. Many members doing what they can, where they can. If you have a child that will be studying trigonometry next year, consider talking with the teacher about the Trig*Star competition. There are monetary amounts from our chapter for the teacher and the high scoring student for each class that takes the test.

We will recognize the teacher and student at our Education Appreciation social meeting on June 7.

CPD Seminar Review

March 1, 2012

To Disclaim or not to Disclaim presented by David Harvey of Harvey, Abens, Iosue Co. LPA

The well attended March 1, 2012 Cleveland Chapter Seminar meeting was presented by David Harvey and Jeremy Iosue of Harvey, Abens, Iosue Co. attorneys. You may remember David Harvey if you attended the 2011 Conference. This seminar was titled "To Disclaim or Not To Disclaim" and concentrated on survey notes and how defensible these may be during the litigation process. Quite a few enlightening revelations when described from the viewpoint of attorneys. Surveyors will often be pulled into litigation when lawsuits are filed naming all the parties involved in a project. The cost can run into the thousands of dollars just to be eliminated from a case that involves the quality of a new construction project. Arguments can also be made regarding breach of contract with your client, violating the Code of Ethics or a failure to protect the interest of the public. You also have to be able to prove that you have reasonably adhered to the standards of practice of surveyors in your area of Ohio.



David and Jeremy can be reached at 440-816-1470 at their office in Berea if you have further need of their services. www.harvlaw.com

Cleveland Chapter of PLSO 2012 Calendar

Apr 12 Social Dinner Meeting with speaker
Apr 13 PLSO Executive Meeting
Apr 16 Chapter Executive Meeting
Apr 20 Cleveland Surveying News deadline
Apr 27 Scholarship Submission Deadline

May 3 Seminar Meeting
May 11 PLSO Executive Meeting
May 14 Chapter Executive Meeting
May 23 Cleveland Surveying News deadline

Jun 7 Education Appreciation dinner
Jun 22 William J. Haas Memorial Golf

Jul 13 PLSO Executive Meeting

Aug 13 Chapter Executive Meeting
Aug 17 Cleveland Surveying News deadline

Sep 6 Seminar Meeting
Sep 14 PLSO Executive Meeting
Sep 17 Chapter Executive Meeting
Sep 21 Cleveland Surveying News deadline

Oct 4 Social Dinner Meeting
Oct 11 PLSO Executive Meeting
Oct 15 Chapter Executive Meeting
Oct 19 Cleveland Surveying News deadline

Nov 1 Seminar Meeting
Nov 9 PLSO Executive Meeting
Nov 12 Chapter Executive Meeting

Dec 14 PLSO Executive Meeting (if needed)
Dec 17 Chapter Executive Meeting (if needed)
Dec 19 Cleveland Surveying News deadline

Chapter Executive Meetings are 6 p.m. at Cuyahoga County Engineer's Test lab Facilities, 2433 Superior Viaduct, Cleveland and are open to all Chapter members who want to attend.

Executive Committee Meeting Highlights

March 12, 2012

Panera Bread, 5090 Tiedeman Road, Brooklyn, OH

In attendance: Robert Hoy, Michael Ackerman, Tim Feller, George Hofmann, Tom Snezek, and Jack Hoy.

Treasury: President Hoy gave Tim an extra post office box key.

Chapter Delegate:

- Trig-Star deadline has been extended to May 1, 2012.
- H.B. 32 has passed the Senate.



Michael Ackerman
Secretary

Standing Committees

Membership: We are currently looking for a new committee chair.

Website: Dino Lustri recommended we get Kevin Grigsby on an hourly rate for performing website updates when we are unable to.

Program Selection Seminar: We are currently looking for a new committee chair.

Program Selection Social: Jack Hoy will chair the Social Committee. The April meeting will cost \$25 for ½ hour PDH and dinner.

Trig*Star: 1 school has shown interest in giving the test

Scholarship: We have extended our deadline to April 27, 2012.

Old Business: Dino suggested going public with the new website and the online survey database.

New Business:

- A minutes motion archive with the format of “year/month/day/number: motion” will be created.
- Non-member end of year seminar suggested.

Cover Story

I surveyed a property on Cleveland’s west side last summer. A line dispute where the adjacent property already had been surveyed. Both lots were in the same subdivision. The rear line was a subdivision line between two subdivisions, each surveyed by different survey companies. The south end of the subdivisions was a side street. The subdivision my client’s lot was in called for a stone on the centerline of this street. The other subdivision, which was four years younger, had no mention of the centerline stone but called for a stone on the right-of-way. When I walked over there with a pin finder and shovel, there was no monument box on the centerline and not a peep out of the locator. On the right-of-way there was a relatively new capped pin. I thought that at least I had something to tie into my survey and started to walk away.

Remembering a story I heard from someone who worked with me once I stopped in my tracks. This person had worked for a company that had a standing policy: when surveying a lot in a subdivision, where good monumentation was nearby, they did not look for existing survey points on the property they were surveying. The name and number on the cap didn’t match the company in the story but I probed the ground around the pin anyway for good measure. The photo tells much of the rest of the story except that it doesn’t clearly show that the pin was bent about 0.1’ toward the hole in the stone. Obviously, the crew that set the pin hit the stone and moved the pin over until they could get it in the ground, bending it back into the “correct” position.

I’m continually reminded of the knowledge passed on to me by good surveyors I’ve met during my career. Charlie Neff once told me that you do all the research possible because “The surveyor who does the best research, wins.” I would bet that the survey company that set the pin next to the stone did not give their crew the plat of the subdivision adjoining the one they were surveying. I pixilated the name and number on the cap. The next time I see him, I’ll let him know it was his survey.

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Executive Committee Meeting Minutes

January 16, 2012

IMAGINiT, 8001 Sweet Valley Drive, Valley View, Ohio

Meeting called to order at 6:25 pm.

In attendance: Dino Lustri, Robert Hoy, Michael Ackerman, John Bischof, Michael Straub, Scott Casey, George Hofmann, Tom Snezek, Louise Veverka and Tim Feller.



Michael Ackerman
Secretary

Secretary's minutes: Executive Committee meeting minutes from November 14 accepted as submitted.

Treasury: John Bischof submitted the December budget. Acceptance of budget is subject to review.

Chapter Delegate:

- Tom Snezek read the report from the January 2012 meeting.
- Jack McFadden has been approved as a Life Member.
- It was stated NSPS members may get a discount on errors and omission insurance.
- The donation of plso.com to the State Chapter was appreciated. As a result President Lustri will be honored.

Communication:

- Robert Hoy announced the newsletter deadline will be Wednesday January 18, 2012.
- At this time we will not increase the cost to advertise in the newsletter.
- Dino and Robert will continue to update the website.
- The location for the Executive Committee meetings may change for the next year.

Education: No report.

Membership: MOTION PASSED for the recognition of all Cleveland Chapter Life Members at the June social meeting. The expenses for said member and one guest to be paid for by the Cleveland Chapter.

Program: The Annual Meeting is Thursday January 26, 2012 at the 100th Bomb Group Restaurant.

Old Business:

- Kevin Grigsby has received partial payment for his work on the website.
- Transfer of the website domain to the chapter from President Dino will be tabled until the next meeting.
- The survey education document will be tabled until the next meeting.
- Changes to the golf outing will be tabled until the next meeting.

New Business:

- **MOTION PASSED to donate \$150 to the 2012 Annual Conference for the benefit / auction.**
- There was a discussion about the decline in membership participation and how it influenced the current changes in the chapter constitution.

Meeting adjourned at 8:23 p.m.

Respectfully submitted,
Michael Ackerman

Delegate's Attachments



Rhode Island Society of Professional Land Surveyors

410 Tiogue Avenue
Coventry, RI 02816

03-02-2012

ATTN: Professional Surveying Society

RE: **RISPLS Petition for the Removal of "Engineering Surveys"
from the NCEES Model Law**

Greetings:

The Rhode Island Society of Professional Land Surveyors (RISPLS) has sent a Petition to the National Council of Examiners for Engineering and Surveying (NCEES) asking for the removal of the term "Engineering Surveys" and following definition from the NCEES Model Laws found at Chapter 110.20 Definitions, Section A, Paragraph 5: *"Engineering Surveys" to include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.*"

The Petition was received by NCEES President Dale A. Jans, P.E. and referred to the NCEES Advisory Committee on Council Activities (ACCA) for study and recommendations for any action deemed appropriate.

A letter of support endorsing the said petition by your Professional Society would stress the importance of this issue and add significantly to the consideration the Advisory Committee on Council Activities (ACCA) would give to this matter.

Supporting documents referencing this petition can be found on the RISPLS Website:

<http://www.rispls.org/NCEESEngineeringSurveyPetition.html>

Thank you for your support and consideration in this matter.

Respectfully,
Rhode Island Society of Professional Land Surveyors (RISPLS)
RISPLS President
Edward J. OBrien, PLS

Delegate's Attachments



Rhode Island Society of Professional Land Surveyors

410 Tiogue Avenue
Coventry, RI 02816

22 August 2011

National Council of Examiners for Engineering and Surveying
NCEES
P.O. Box 1686
280 Seneca Creek Rd.
Clemson, SC 29633

ATTN: Jerry Carter, Executive Director

RE: **RISPLS Petition for the Removal of "Engineering Surveys"
from the NCEES Model Law**

The Rhode Island Society of Professional Land Surveyors (RISPLS) petition the National Council of Examiners for Engineering and Surveying (NCEES) for the removal of the term "Engineering Surveys" and following definition from the NCEES Model Laws found at Chapter 110.20 Definitions, Section A, Paragraph 5: *"Engineering Surveys" to include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.*"

The Term "Engineering Surveys" is the result of compromises made at a time when licensure for the two professions, Engineering and Surveying, were deemed to have a professional expertise in a body of knowledge so substantially different as to require separate licensure. A deal struck in the days of transit and tapes, before the onset of the modern technology and continuing education requirements. "Engineering Surveys" is a term that may have been appropriate at the time of its inception, but that no longer holds true. Surveying and Engineering share a common history of knowledge in physics, math, science and law, much the same as a Dentist shares a common history with the Barber, yet we would not consider going to a Barber Shop to get a filling repaired or a dental cleaning. The inclusion of "Engineering Surveys" in the NCEES Model Laws is tantamount to an acknowledgement that the unlicensed practice of surveying by engineers is acceptable to the NCEES.

Rhode Island Engineers have recently tried to add the NCEES Model Law definition of "Engineering Surveys" to the definition of engineering in the state statutes of Rhode Island. We were informed that the legislators, not knowing the intricacies of the two professions, look favorably upon Model Laws to guide them. RISPLS finds this unfortunate and believes the NCEES Model Law definition does not reflect the current state of affairs between the two distinct and different professions. The use of the term has become problematic. New Mexico has successfully had the term removed from their state statutes, and brought forth many arguments that we would like to echo.

Increasingly, it is recognized that surveying is a separate and distinct profession from engineering. Surveying is evolving into an increasingly complex body of knowledge the application of which requires ever

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increasing levels of education and experience. Surveying curriculums at many, if not most educational institutions offering associate, bachelors, and advanced degrees are designed to address this increasing complexity not only in boundary considerations, but also in "non-boundary" definitions of surveying, including geodetic and plane surveying, topographic map preparation, project control and other components for survey construction staking.

Most of these courses are mandatory for surveying students. This curriculum is a recognition that it is necessary to rigorously prepare the surveying student for the demands that they will encounter in their professional life.

Conversely, many, if not most engineering curriculums, no longer require their students to immerse themselves in surveying subject matter, as was once the case. Yet, most civil engineers feel fully qualified to engage in surveying activities even though the components of experience, education, and examination are missing from their background. Courses that are mandatory for surveying majors are electives for engineering majors who often decline to avail themselves of the opportunity.

Surveying is a profession that requires a specialized body of knowledge to be competently executed. Competency is acquired by the three "E" tenets of professionalism: education, experience, and examination. It is only through the rigorous application of all of these three factors that one can be considered proficient enough to provide service to the public in their area of expertise. A forth "E" can be added to the list Enforcement of the three "E"s.

Rhode Island is a state where the Continuing Education is required for surveyors and the Engineers have no equivalent requirement. Most states have a "Minimum Survey Standards" that govern the performance of surveys. Because the definition of "Engineering Surveys" falls under the realm of the engineer's body of enforcement they are not subject to the states "Minimum Survey Standards", creating a quagmire of enforcements issues when "Engineering Surveys" are not performed and executed properly. "Engineering Surveys" may work in states where there are Combined Boards of Registration, but the judicial enforcement is severely hampered when the boards powers are politically skewed by having more Engineers than Surveyors for the enforcement of professional standards and regulations.

The NCEES Model Law, as stated in its introduction, is a guide designed to "provide greater uniformity of qualifications for licensure, to raise these qualifications to a higher level of accomplishment, and to simplify the interstate licensure of engineers and surveyors or land surveyors."

In doing so, a common set of standards is provided to NCEES Member Boards that represent "optimum, realistic levels of qualifications for initial and subsequent licensure to ensure protection of the public's interest." Yet the Model Law, as currently written, fails in this duty in one very important aspect, specifically, by inclusion of the term "engineering surveys" in the definition of the practice of engineering. In doing so, the Model Law provides for unlicensed practice of surveying by engineers thereby placing the very public which the NCEES and its member boards are charged to protect, at risk.

The NCEES Model Law "Engineering Surveys" is in direct conflict with the NCEES Model Rules[Sec-210-25] *Inclusions and Exclusions to the Practice of Surveying*.

The Model Rules clearly and thoughtfully define Land Surveying activities and although generally applied to GIS, Photogrammetry, LIDAR etc. [Sec-210-25] does not exclude Engineers or "Engineering Surveys" and should be equally applied to them also.

The Model Rules NCEES [Sec-210-25] *Inclusions and Exclusions to the Practice of Land Surveying* is the combined wisdom of the document created by the NCEES Task Force Committee comprised of members ASPRS, MAPPS, ASCE, ASPRS, URISA, NSGIC, and UCGIS, that met some 32 times by teleconference and devoted some 650 Professional hours into its creation. The section is broad enough to allow engineers to

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do what they want and need to do, until a survey activity becomes “**Authoritative**” in nature. The Surveyor has purview over the “**Authoritative**” jurisdiction.

Activities that **must be accomplished under the responsible charge of a Professional Surveyor** or Land Surveyor (unless specifically exempted in Section B. below) include, but are not limited to, the following:

1. The creation of maps and geo-referenced databases representing **authoritative** locations for boundaries, the location of fixed works, or topography, by either terrestrial surveying methods, photogrammetric or GPS locations. This includes maps and georeferenced databases prepared by any person, firm, or government agency where that data is provided to the public as a survey product.
2. Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the **authoritative** location of features within the following data themes: geodetic control, orthoimagery, elevation and bathymetry, fixed works, government boundaries, and cadastral information.
3. **Certification** of positional accuracy of maps or measured survey data,
4. Measurement, adjustment, and **authoritative** interpretation of raw survey data,
5. GIS-based parcel or cadastral mapping used for **authoritative** boundary definition purposes wherein land title or development rights for individual parcels are, or may be affected.
6. Interpretation of maps, deeds, or other land title documents to resolve conflicting data elements within cadastral documents of record.
7. Acquisition of field data required to **authoritatively** position fixed works or cadastral data to geodetic control.
8. Adjustment or transformation of cadastral data to improve the positional accuracy of the parcel layer(s) with respect to the geodetic control layer within a GIS for purposes of affirming positional accuracy.

The Model Law’s “Engineering Surveys” undermines the above section [Sec-210-25] by not being an exempted practice and by allowing Engineers to do anything on the above list that **MUST be accomplished under the responsible charge of a Professional Surveyor**.

The NCEES Model Rules [Sec-210-25] *Inclusions and Exclusions to the Practice of Surveying* is the bellwether test as to the dividing line between when Surveying and other activities that appear to be crossovers; whether they be of an Engineering or GIS nature.

If the “inspections of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications” is “*incidental*” and therefore not “**Authoritative**” then there is not a problem with engineers doing these activities by definition.

One only need look at some of the aspects of the American Society of Civil Engineers’ (ASCE) definition of engineering surveys to note how encompassing the subject activities are:

- *The preparation of survey and related mapping specifications;*
- *Execution of photogrammetric and field surveys for the collection of required data, including topographic and hydrographic data;*
- *Calculation, reduction and plotting of survey data for use in engineering design;*
- *Design and provision of horizontal and vertical control survey networks;*
- *Provision of line and grade and other layout work for construction and mining activities;*
- *Execution and certification of quality control spatial measurements during construction;*
- *Monitoring of ground and structural stability, including alignment observations, settlement levels, and related reports and certifications;*
- *Measurement of material and other quantities for inventory, economic assessment and cost accounting purposes;*

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- *Execution of as-built surveys and preparation of related maps and plans and profiles upon completion of construction; and*

Analysis of errors and tolerances associated with the measurement, field layout and mapping or other plots of survey measurement required in support of engineering projects.

While some parts relate specifically to civil engineering, the majority of the above activities are surveying functions found in traditional definitions of surveying in many states. In reality, when an engineer performs any of the above activities they are engaged in the unlicensed practice of surveying.

It is widely acknowledged that engineering disciplines continue to splinter with at least 16 sub disciplines. Specialization within each sub-discipline requires specific education and experience. Why then should all aspects of surveying with the exception of boundary, be considered as part of the purview of engineering including civil engineering?

This issue is articulated in an ACSE policy statement number 333 that states in part:

A number of recent developments have created some confusion with respect to the role of civil engineers in the practice of surveying. These developments have included:


- *The development of land surveying as a profession separate and distinct from civil engineering;*
- *The development of separate curricula and degrees at certain universities in support of land surveying as a separate profession;*
- *The reduced number of courses in surveying within civil engineering curricula; and,*
- *The development of disputes before state registration boards concerning the right of civil engineers to practice surveying, given separate registration for the practice of land surveying.*

Engineering surveying may be regarded as a specialty within the broader professional practice of engineering and, with the exception of boundary, right of way, or other cadastral surveying, includes all surveying and mapping activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects. Engineering surveying does not include surveys for the retracement of existing land ownership boundaries or the creation of new boundaries.

Engineering surveying or the engineering surveyor needs to be recognized as a specialty requiring specific education, experience, and examination. Simply claiming to be able to perform such activities by virtue of being a civil engineer does not recognize the reality of the situation. The NCEES Model Law makes no provision for this distinction and must be changed to reflect the current professional environment.

Therefore for all of the above reasons given, Rhode Island Society of Professional Land Surveyors (RISPLS) formally petition the National Council of Examiners for Engineering and Surveying (NCEES) for the removal of the term "Engineering Surveys" and the definition that follows it from the NCEES Model Laws found at Chapter 110.20 Definitions, Section A, Paragraph 5.

Respectfully Submitted,
Rhode Island Society of Professional Land Surveyors (RISPLS)



08-22-2011

RISPLS President
Edward J. OBrien, PLS

Delegate's Attachments

PLSO/ Ohio Chapter of URISA Partnership CPD Workshop Standardized Data Sets for Land Records

Presented by: Nancy von Meyer, PLS, PE, GISP



Wednesday, May 9, 2012

8:30 am - 2:30 pm

Ohio Department of Transportation Auditorium
1980 West Broad St., Columbus, OH



The Professional Land Surveyors of Ohio, Inc., in cooperation with the Ohio Chapter of URISA (Urban and Regional Information Systems Association) is offering the following one-day CPD course for Ohio's Surveyors and GIS professionals on Wednesday, May 9 in Columbus. Please see the next page for the session description and presenter information. Total Continuing Professional Development hours for the day will be 4. NOTE: Session handouts will be available electronically prior to the workshop, and will NOT be printed.

Program Schedule:

8:30 – 9:00 am	Registration
9:00–9:15 am	Welcome and Introductions
9:15 – 9:45 am	Standards Overview (30 minutes)
9:45 – 10:30am	Land Records Data Concepts (45 minutes)
10:30 – 10:45 am	BREAK
10:45 – 12:15 pm	Standardized Publication Cadastral Data Sets (90 minutes)
12:15 – 1:15 pm	Lunch (on your own in the ODOT Cafeteria—generally less than \$10)
1:15 – 2:00 pm	Cadastral Data Maintenance (Production Data Sets) (45 minutes)
2:00 – 2:30 pm	Data Stewardship and Publication Data (30 minutes)
2:30 pm	Wrap up and dismiss

Registration Information: (NOTE THE SPECIAL ONE-TIME RATE FOR THIS WORKSHOP!)

(registration includes session and CPD Certificate ONLY—all food is ON YOUR OWN)

Cost: PLSO Member = \$25 (only \$6.25 per credit hour!)

Non-Member = \$50 (only \$12.50 per credit hour!)

Registration Deadline is Friday, May 4, 2012.(You may also register ONLINE at www.ohiosurveyor.org from the link on the "Education" page.)

Name _____ PLSO Member? Yes No
 Company _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ email _____
 Fax _____

Credit Card Payments: (accepted for Visa, MasterCard and Discover only)

Card Number _____
 Expiration Date _____ Security Code _____ Billing Zip Code _____
 Cardholder Name _____
 Cardholder Signature _____

Payment may be made by credit card or check payable to PLSO Inc.. Government entities please call in advance to arrange PO's and invoicing.

Return completed registration form with payment to:

Professional Land Surveyors of Ohio, Inc.
 6465 Reflections Drive, Suite 100
 Dublin, OH 43017

Registration forms may be faxed to: 614-761-2317
 or may be scanned and E-mailed to: plso@ohiosurveyor.org

Questions? Call PLSO for more information!
 Phone: 614-761-2313

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Session Description

Standardized Data Sets for Land Records

Standardized data sets for land records will review available national data standards that apply to land records system management and discuss the implementation of these standards for data producers and consumers. There are many types of standards ranging from field observations and procedures (methods and procedures) to data management (automation and maintenance), to publication (access and distribution). An overview of the types of standards and how these play into local land records will be discussed. Each of the type of standard will be discussed with sample data from Southeastern Ohio.

The review of data sets will start with the publication data sets, which are the data sets that consumers and decision support systems use, that are created from the production data sets. *Publication Data Sets* are standardized data sets that are created on a periodic basis and provided for data consumers. Multiple departments, software systems and programs may be employed for production. The publication data combines and synchronizes data to create a standard data set optimize for publication, distribution and use.

The Cadastral Framework, which is the control and structure for parcel information, includes standardized Public Land Survey System (PLSS) and other survey systems. Parcel data is referenced to the cadastral framework. In Ohio a standardized statewide PLSS data set generated through the Application Ohio Geospatial Data Partnership (AODGP) cadastral project. This standardized data will be reviewed along with related parcel data from the AODGP project.

Maintenance and data stewardship are important activities to sustain and maintain the cadastral data. Strategies for stewardship and maintenance of the PLSS and parcel data will be discussed.

1. Standards Overview - 30 minutes
Standard Taxonomy Review - Discussion of the types of standards and the use and application of standards in the land records data life cycle.
2. Land Records Data Concepts - 45 minutes
Authoritative and Trusted Data - Surveyors, Assessors, Auditors and GIS
Production and Publication Data
Components of Cadastral Data - Control, Framework, Documents and Assessment
3. Standardized Publication Cadastral Data Sets - 90 minutes
PLSS and Survey Areas in Ohio
Parcel Data
Related Data (Address points, roads, zoning)
4. Cadastral Data Maintenance (Production Data Sets) - 45 minutes
Adding Control
Vertical Integration
Currency and Synchronization
5. Data Stewardship and Publication Data - 30 minutes
Version and Vintage
Publication and Access
6. Wrap up and Conclusion

Presenter Biography

Nancy von Meyer, PLS, PE, GISP, is vice president of Fairview Industries, Inc., specializing in developing land records information systems and developing sustainable partnerships and collaborations for shared data stewardship. Dr. von Meyer is a nationally recognized leader in land records and use of cadastral information for decision support. She has been at Fairview Industries since 1983 and has over 25 years of GIS system design and implementation experience. Her efforts have been applied in the areas of wildland fire management, local land use planning and management, energy, and economic analysis. Results of her projects have been presented to senior industry executives, U.S. Cabinet Department Secretaries, and are referenced in Congressional Research Reports. She has a B.S. in mining engineering and geology, and an MS and PhD in civil engineering.