

# TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYORS

## POLICY STATEMENTS

1. Pursuant to Rule 0820-5-.05, the Tennessee State Board of Examiners for Land Surveyors will vote at each board meeting as to whether any or all portions of the board meeting, depending upon content, will be allowed for professional development hours.
2. Pursuant to Rule 0820-05-.05, Land Surveyors Board members, at their discretion, and by vote only, may receive continuing education credits for attending board meetings. The hours awarded will depend on the agenda content (formal hearings, informal conferences, etc.). A vote will be taken at each board meeting for the number of hours to be awarded. There may be some meetings where no hours are awarded. The hours awarded will be reflected in the minutes of each meeting.
3. Pursuant to TCA 62-18-109 and TCA 62-18-110, the board voted that when an applicant applies for Tennessee licensure and is current with licensure in another state, having passed the NCEES Fundamentals of Surveying (FS) and the Principles and Practices of Surveying (PS), the applicant will be required to sit for the two (2) hour Tennessee Specifics of Surveying (TS) exam.
4. Pursuant to TCA 62-19-109, applicants will have to submit an application including all requested education credits. The board will not preapprove qualifying education hours. The board will respond to general questions pertaining to the education but the board will not preapprove an education transcript.
5. Pursuant to TCA 62-18-116(a)(f) and Rule 0820-4-.07(3)(b), when a registrant has a license or certificate of registration to practice land surveying in another jurisdiction revoked, suspended, or voluntarily surrendered as a result of disciplinary proceedings, the registrant may be subject to disciplinary action before the Tennessee Board of Examiners for Land Surveyors. If the other jurisdiction imposes discipline less than the action stated above, the registrant will be routinely issued a Letter of Caution by the Board staff. The purpose of the letter is to advise the registrant that the Board has been notified of the disciplinary action and put the registrant on notice to avoid similar infraction in Tennessee.
6. In late 2004, this board was inundated with numbers of questions concerning our position on the question of drainage. In 2005, the board felt it must offer the public a policy, which is clear and concise to help alleviate time the board spends dealing with individual questions on this subject. On January 25, 2007, a committee for the Engineer's Board asked us to prepare an opinion on the drainage issue. Their reason was the Attorney General's opinion that surveyors could not design drainage.

According to TCA 62-18-102(3), the definition of surveying is defined as follows:

“Practice of land surveying” means any service of work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and manmade features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, *drainage*, alignment and grades of streets, and for the preparation and perpetuation of maps, records, plats, field notes, records and property descriptions that represent these surveys.

Over the course of the past sixteen months, the board has interviewed former board members, specifically the board members serving during the time of this legislation, those members being Phillip Carter and David Hopkins, and Representative Bill Richardson, the original framer of the law. Copies of their statements are attached.

Among the items defining the practice of surveying in the State of Tennessee are: “...topography, drainage...” and according to one of the framers of the legislation, former Rep. Bill Richardson, “*Listed in this law are things that surveyors are licensed to do. The word drainage was used because it is a function of surveying.*”

From the above wording, the same authority given to surveyors to do topos, alignment and grades of streets, etc. is the same authority to do drainage. It is also covered under the “... *application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law...*”

Our investigation has concluded that ever since this law was put on the books, surveyors have been able to design drainage systems for subdivisions and other projects. In fact, according to Dave Hopkins, surveyors were doing drainage design even before the law went into effect. Therefore, this is not a new concept that is being applied for today, but conforms to the history of professional service that surveyors have supplied the public for over thirty years.

As stated in Rep. Bill Richardson’s letter, “*this law does not exclude civil engineers or any other design professional.*” It is clear that the surveyor has these responsibilities to the public under this law. Also, since this law began, the Board of Examiners for Land Surveyors has tested all surveyors on their knowledge of drainage.

Even though on February 9, 2004, Attorney General Paul G. Summers gave the opinion to the contrary, the Board of Examiners for Surveyors is charged with protecting the public interest and therefore must follow TCA 62-18-102 – Definitions, which gives surveyors the authority to platting, layout and monumenting of drainage.

7. In response to the position statement regarding “as-built” or record drawings published by the Tennessee Board Architectural and Engineering Examiners as published in “Tennessee Designlines”, Spring/Summer 2004 issue. The position or policy statement as written by the Tennessee Board of Architectural and Engineering Examiners does not appear to affect or conflict with the practice of land surveying. However, it has been brought to the attention of this Board that certain local planning jurisdictions in Tennessee, citing this position statement, have refused to accept “as-built” surveys signed and sealed by a license land surveyor. The confusion appears to be caused by the lack of understanding of the difference between the terms “as-built” or “record” drawings and “as-built” surveys. Both terms are defined in Glossary of the Mapping Sciences, prepared by a joint committee of the American Society of Civil Engineers, American Congress on Surveying and Mapping and American Society for Photogrammetry and Remote Sensing, published by the same organizations in 1994.

The record drawings submitted by design professional is the subject of the position statement of the Tennessee Board of Architectural and Engineering Examiners and was obviously intended to provide guidance for due process and responsibility for the documentation of the final outcome of their design after construction is complete. It is generally understood that the contractor usually makes measurements during construction layout as to location and dimensions of the designed structures. This process is subject to the oversight of the design professional and may be relied upon for the record drawing as provided for in the position statement of that Board. For many clients a record drawing is adequate; however, with the proliferation of Geographic Information Systems (GIS) licensed land surveyors are more often required to perform “as-built” surveys to accurately Geo-reference and measure the features and present the results in the form of “as-built” survey drawings and electronic files for inclusion in geographic data bases. These functions are provided for within the definition of the practice of land surveying contained in TCA 62-18-102(c) and the work product must only be signed and sealed by a licensed land surveyor. Only a licensed land surveyor may attest to the actual measurements made under his responsible charge to such items as location, height, dimensions, alignment, geodetic reference or references to the legal aspects of boundaries or easements. The licensed surveyor must not offer an opinion as to matters pertaining to the design and construction which is the sole responsibility of the design professional.

8. TCA 62-18-126 authorizes land surveyors to perform certain limited nonmonumentation procedures and practices. It is the policy of the Board to consider any survey plat as a general property survey to be regulated under the

Standards of Practice if it is sealed by the licensee and does not specifically state on its face that:

1. The survey was done under the authority of TCA 62-18-126; and
2. The survey is not a general property survey as defined under Rule 0820.03-7.

Further, the Board will require that any plat or map furnished by a surveyor meet requirements of Rule 0820-03-.06 (Maps and Mapping).

9. The Tennessee Board of Examiners for Land Surveyors hereby adopts the following policy regarding the application of Tenn. Code Ann. § 62-18-109(c) [Applications for registration], which states: “Any person who submits evidence satisfactory to the board that the person has practiced surveying for no less than ten (10) years shall be exempted from subdivision (b)(1).”
  1. Persons not in possession of a current, valid license to practice land surveying in any jurisdiction other than Tennessee, and in the absence of any other qualifying circumstance, such as practice as a land surveyor under a legitimate exemption, are not eligible for registration under this provision.
  2. Any person who has practiced land surveying, as defined by Tenn. Code Ann. 62-18-102(3), under a legitimate exemption, such as employment by an agency of the federal government not requiring a state license to provide land surveying services, and having obtained at least ten (10) years of experience of a standard satisfactory to the Board in such a capacity, are eligible to apply for registration under this provision.
  3. Any person who has obtained a license as a land surveyor in another jurisdiction under circumstances that do not meet the minimum standards for reciprocity as required by Tenn. Code Ann. § 62-18-110, and having obtained at least ten (10) years of experience of a standard satisfactory to the Board in such a capacity, are eligible to apply for registration under this provision.

NOTE: Policy Statements are adopted to enhance or clarify laws and rules. Any changes to laws or rules contradictory to the above supersede policies.