



Oregon

**State Board of Examiners for
Engineering & Land Surveying**

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PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting

December 12, 2008

Members present:

Grant Davis, Chair

Sue Newstetter

John Seward

Carl Tappert

Amin Wahab

Others present:

Mari Lopez, Executive Secretary

Jenn Gilbert

Joanna Tucker-Davis, AAG

Katharine Lozano, AAG

Visitors present:

Ron Singh, P.L.S., ODOT Chief Surveyor

Brady Callahan, Geographic Information Systems Coordinator

Chris Aldridge, R.P.P.

Jim Burgess, P.E., P.L.S., BPA Geospatial Services Manager

Doug Smith, P.E., R.P.P.

Dan Linscheid, observer

Sue Laszlo, observer

The meeting of the Professional Practices Committee was called to order at 8:00 a.m. in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

Guest Discussion

LiDAR

A guest discussion was held regarding light detection and ranging (LiDAR) and if this is considered the practice of land surveying. James Burgess, P.E., P.L.S., Bonneville Power BPA Geospatial Services Manager provided an overview of the practice and examples of how LiDAR is utilized. Also presented to the Committee, was a document prepared by Ron Singh, P.L.S., Oregon Department of Transportation (ODOT) Chief Surveyor. The document outlined the reasons for the question on behalf of ODOT and their basic understanding of LiDAR in relation to the Oregon Revised Statutes (ORSs), Chapter 672 and the Oregon Administrative Rules (OARs), Chapter 820. Additionally, Mr. Singh provided issues for the Committee to consider. After an extensive discussion, a question that the Committee was unable to address was what constitutes survey data. This discussion would take place at a later date. However, the Committee determined that LiDAR is considered a "similar remote sensing technology" as used

in ORS 672.002(7). Additionally, if LiDAR work is performed pursuant to an application identified in ORS 672.002(7), then the appropriate professional must be involved.

New Business

Boundary by Agreement – Letter dated October 8, 2008

The Committee reviewed correspondence regarding a boundary by agreement as forwarded from the October 2008 Law Enforcement Committee meeting. The Committee discussed that there is no standard protocol in the land surveying profession regarding boundary disputes. Furthermore, under the authority of the Board, Oregon Revised Statute (ORS), the Chapter 672 and the Oregon Administrative Rule (OAR), Chapter 820, do not contain language to address the matter and therefore, the Board lacks jurisdiction. Staff will respond accordingly.

Options for Exempt Status – Email dated November 7, 2008

The Committee received and discussed an email from Bruce Lawyer regarding his registration renewal. He requested clarification and submitted comments on the categories available to renew a registration. After a brief discussion, staff was directed to inform Mr. Lawyer of the options available in which to place a registration and the results of having a registration in the delinquent status for a period of 5 or more years. Staff will also inform him of the proposed legislation to delete the minimum age requirement to place a registration in the retired status.

Dam Design – Email dated November 25, 2008

The Committee reviewed an email and supplemental information received from Eric Urstadt regarding dam design. He inquired if the design of small reservoirs as described in OAR 690-020-0029 constitutes the practice of engineering and would require to be prepared and stamped by a professional engineer. After discussion, the Committee determined that the design of small reservoirs would constitute the practice of engineering as defined in ORS 672.005. However, an exemption may apply as contained in ORS 672.060(9), but would need to be determined on an individual basis. Staff was directed to respond accordingly and further inform Mr. Urstadt that the Board authority extends only within ORS 672 and OAR 820.

Surveying Question – Discussion with Brady Callahan

The Committee reviewed an email submitted to Dan Linscheid from Brady Callahan regarding the practice of surveying. Mr. Callahan inquired if an individual who is not a professional land surveyor (PLS) create point coordinate values to be used for control in the creation of orthophotography and supply them to a registered photogrammetrist or PLS if those coordinate values are clearly labeled as not intended to be applicable for surveying or engineering purposes. He informed the Committee that the question was related to a natural resource project. The Committee discussed that the exemption contained in the Oregon Revised Statute (ORS) 672.060(14) may apply to this particular circumstance. However, it is not how the information is labeled, but the actual intent of the information is used to determine the applicability of any statutory exemption.

Unfinished Business:

2008 Reference Manual for Building Officials

The Committee briefly discussed the next step in revising the Reference Manual for Building Officials. Staff will organize the comments received and submit to Chair Davis. Chair Davis will submit a marked copy, including comments provided by staff, to the OSBEELS Board

members. Once the OSBEELS Board members concur with the revisions, a meeting with a member from the Oregon Board of Architect Examiners (OBAAE) and administrator, Carol Moeller will be scheduled to incorporate any revisions on behalf of OBAAE and to finalize the Manual.

Engineer Exemption Rulemaking Hearing

Staff updated the Committee on the Rulemaking Hearing to be held by the Building Codes Division (BCD) regarding OAR 918-261-0015. The proposed rule would allow certain individuals employed by an electrical contractor to design, plan, and layout the electrical portions of a fire protection system. This rule would exempt these individuals from the engineering requirements of ORS Chapter 672. The public Rulemaking Hearing will be held on Tuesday, December 16, 2008 in Conference Room A of the BCD office and the last day to submit written comments is 5:00 p.m. on Friday, December 19, 2008. Staff was instructed to follow up with the BCD staff regarding the comments discussed during the November 12, 2008 OSBEELS Board meeting.

The meeting adjourned at 10:00 a.m.