



Oregon

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

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PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting

February 13, 2009

Members present:

Grant Davis, Chair

Sue Newstetter

John Seward

Carl Tappert

Amin Wahab

Others present:

Mari Lopez, Executive Secretary

James R. (JR) Wilkinson, Investigator

Katharine Lozano, AAG

Visitors present:

Sue Laszlo, observer

Dan Linscheid, observer

The meeting of the Professional Practices Committee was called to order at 8:05 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.

New Business

Design of Fire Protection Matters

The Committee received several pieces of correspondence regarding a rule recently adopted by the Building Codes Division. The first was an email from Roger Fast requesting an interpretation of Oregon Administrative Rule (OAR) 918-261-0015 – Exemption from Engineering Requirement for Design of Fire Protection Systems. This rule allows general supervising electricians, general journeyman electricians, and Class A Limited Energy Technicians to design, plan, and layout electrical portions of fire protection systems for their employer. This rule exempted these license types from the engineering requirements of the Board. After discussion, it was determined to inform Mr. Fast of the Board's response to the proposed BCD rulemaking by letter on December 12, 2008 and inform him that the Board does not have jurisdiction over the BCD or OAR 918. Therefore, the Board is not able to offer him an interpretation of the BCD rule. Staff will respond accordingly. Richard Kelson also provided the Committee with his comments and concerns regarding the BCD rule. It was noted that his concerns regarding the unlicensed practice of engineering should be reported to the Board for further investigation. Mr. Davis volunteered to draft a response to Mr. Kelson addressing his concerns.

A letter from Diana Meyers was also reviewed and discussed by the Committee. Ms. Meyers inquires if offering design services to the public in the preparation of plans and specification for the construction of fire sprinkler/suppression system in the State of Oregon requires an individual to be registered as a professional engineer and if such calculations, plans, and specifications require a seal and signature. Consistent with responses to similar questions, the Committee directed staff to inform Ms. Meyers of the Board's response to the proposed BCD rulemaking by letter on December 12, 2008. In addition, staff was directed to inform her that the Board defines the practice of engineering to include the design of fire sprinkler and fire suppression systems and asserts that the systems must be designed by a registered professional engineer, along with reference to the Oregon Revised Statute (ORS) 672.007, which prohibits a person who is not registered with the Board from performing professional engineering.

Municipal Ordinances – Email dated January 16, 2009

The Committee received an inquiry regarding the City of Roseburg's requirements for geotechnical reports. Clay Jordan expressed his concerns about the City of Roseburg adopting an ordinance that previously allowed a registered professional engineer to perform certain geotechnical engineering work, including the design of structural fill. The new ordinance now requires a geotechnical engineer to prepare the required geotechnical reports. Mr. Jordan inquired who governs what an engineer, within the field which the engineer is competent and qualified by education or experience, is licensed to do. After discussion, staff was directed to inform Mr. Jordan that local jurisdictions can change their reporting requirement by revising codes and ordinances; OAR 820-020-0020 grants registered professional engineers the ability to practice in any field of engineering within the registrant's competency. Mr. Jordan will also be informed that the Board does have the authority to interfere with jurisdictions when the jurisdiction establishes policies that regulate the practice of engineering above the minimum set by the Board.

Review of ODOT Practices for Stamping Final Documents – Letter dated January 20, 2009

The Committee received a letter dated January 20, 2009, from Cathy Nelson regarding the Oregon Department of Transportation (ODOT) policies for professional seals on special provisions and standard drawings. She stated that ODOT requires all Special Provisions to be stamped by a professional of record licensed to practice in the discipline covered by the Special Provision. In reviewing and discussing the submitted document, Attachment A, the Committee found that it substantially complied with ORS 672. However, the discussion led to additional question by the Committee, including the date the specifications were drafted and approved, the revision number, and the number of pages covered by the seal and signature. In addition, it was not clear how ODOT would indicate when a seal and signature applies to a particular printing version of the specifications.

After reviewing the documentation submitted regarding standard drawings, the Committee concluded, consistent with past statements, that the professional engineer who references a standard drawing on their plan sheet is also accepting responsibility that the engineering for the standard drawing is applicable to their project. Furthermore, it appeared that ODOT made the references clear between the sealed plan sheet and the standard drawing. However, the Committee had concerns due to the uncertainty on how the plans would reflect dated revisions to the standard drawing. It was noted that when changes are made to the standard drawing it should be referenced to the plan sheet. Additionally, there can be multiple details on a standard drawing

and the Committee questioned if the engineer of record is sealing the whole standard drawing or just the particular detail they reference. The Committee concluded that although the Board cannot dictate business practices, but the use of these issues to guide modifications to the document and policies would gain further compliance with ORS 672.

Ms. Nelson also inquired about a proposed Standard Driveway Plan. The original Standard Driveway Plan would be sealed and signed. In addition, a copy of the Standard Driveway Plan would be distributed for use on low volume driveways, typically for single-family residences. The proposal was that ODOT permitting technicians would document that the Standard Driveway Plan criteria was met prior to use of the Standard Driveway Plan. If a particular use does not meet the criteria, then a professional engineer would be required to modify the Standard Driveway Plan or create a custom design. This appeared to the Committee to be proposed as a prescriptive design method. The Committee further discussed that there was not enough information to determine whether or not engineering judgment is required by the criteria and therefore was unable to reach a conclusion.

LiDAR – Email dated January 30, 2009

The Committee briefly discussed a suggestion from Gary Anderson that Russell Faux provide the Board a presentation on LiDAR. It was determined that this was not necessary at this time. Staff was directed to thank Mr. Anderson for the input and that if in the future, the Committee would like a presentation, staff will be in touch to make the arrangements.

Official Seals – Email dated February 6, 2009

Sue Laszlo brought to the attention of the Committee that Exhibit 1: Official Seals previously showed a box around the word “Expires” or “Renews” and inquired if this was still acceptable. The Committee also discussed whether the word “Expires” or “Renews” is considered part of the seal or if it could be handwritten. After discussion, it was determined that the word “Expires” or “Renews” must be made a part of the seal and that the box should not be around the word “Expires” or “Renews.” However, the expiration or renewal date (i.e., 06/30/2009) can be handwritten.

Single Family Residence Exemption – Email dated February 9, 2009

The Committee received an email requesting clarification on the single family residence exemption contained in ORS 672.060(10). The Committee discussed ORS 672.060(10) and found that the size limitation does not apply to single family residences. The size restriction under ORS 672.060(10) applies only to buildings. In addition, the Board cannot dictate business practices by suggesting wording or other language to describe your business.

Unfinished Business:

How to Avoid Two Common Land Surveying Violations Article – Email dated February 5, 2009

As discussed during the January Board meeting, there were outstanding concerns regarding the *How to Avoid Two Common Land Surveying Violations* article. Dan Linscheid and Sue Newstetter will work cooperatively to address the concerns and suggest revisions to the article.

2008 Reference Manual for Building Officials –Update

Chair Davis informed the Committee that he is reviewing the information and comments gathered related to the revisions of the Reference Manual for Building Officials. There was no further action.

The meeting adjourned at 9:27 a.m.