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Sunday, April 12, 2015

Prevailing Wage Rate Coordinator
Bureau of Labor and Industries
800 NE Oregon Street, Suite 1045
Portland, Oregon 97232

Dear Coordinator:

I am writing owner of Ag Geospatial NW, LLC in opposition to the request letter from the International Union of Operating Engineers/Local 701 to revise the Power Equipment Operator's definition. The union requests that Land Surveyor Party Chief sub classification be moved to Power Equipment Operator Group 2 as covered by prevailing wage classification under ORS 279C.

I have been in the Land Surveying Profession for over 27 years. Most of my experience was working for Consulting Engineering firms that had Land Surveying groups. We were experienced in most all types of Land Surveying support for Engineering. Many times we were the first ones on site and the last ones to leave site as we supported the projects with different types of surveying throughout the projects. This included mapping by ground survey methods of traditional Total Station and GPS, mapping by aerial photography, mapping by LiDAR, mapping by 3D scanning and more. We also did property boundaries and right-of-way resolutions along with write easements and legal descriptions for projects too. We did construction staking for utilities, roadways, wetlands, bridges, buildings and more. We many times finished with post monumentation of projects. Our clients were private land owners, commercial properties, Cities, Counties, State, Federal and military projects We ran groups that everyone was exposed to and worked on all phases of projects that included office and fieldwork as either the PLS or working to become a PLS one day with full rounded experience. Our work and goals were to be Professional Land Surveyors providing a full range of surveying services to our clients.

Today I am working towards my third year as a Small Business owner taking the skills I have acquired to a slightly different clientele of Farmers in support of their growing Precision Ag technologies. Farmers are providing food for a growing world with less land due to development of the growing world. To complete this they need to start using more technologies for tracking farming details so they can make better decision. Many of these technologies are the same technologies Land Surveyor has used to support engineering projects for decades. The way I see it is we are collecting land facts and handing them over to an end user to do their work. My new business is just changing who the end user is. These are the kinds of varying skills a Surveyor has and the types of varying projects we work on.

My opposition is based on the fact that land surveying is a profession; that land surveyors do not use power equipment; that party chiefs are in a supervisory position; and that the request by International Union of Operating Engineer contains factual errors as to the fundamental nature of the duties of a surveying party chief. Finally, this was not initiated for the benefit of the surveying profession or in consultation with the professional association representing land surveyors.

Surveying is a profession as defined by ORS 672.002(4) and OAR 820-010. Land surveyors are required to obtain a professional license and bound by rules of professional conduct (OAR 820-020). Land surveyors are regulated as a profession by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). Survey Party Chiefs are often licensed and, regardless of license status, are bound by the same rules of professional conduct that a licensed surveyor must follow.

Party Chiefs in survey crews are supervisors and therefore should not be classified as Power Equipment Operators. Survey Party Chiefs are constantly required to make independent and autonomous decisions. They are expected to understand legal principles, geomatics, cadastral surveying principles, construction principles and the Public Land Survey System. Furthermore, Party Chiefs are expected to train their charges in these subjects. The need for constant training demonstrates that they are operating in a supervisory capacity.

Land surveying Party Chiefs rarely, if ever, use power equipment and therefore should not be classified as Power Equipment Operators. Many Party Chiefs do not run total stations because it is easier to control and supervise the job while using a prism pole. Furthermore, it is inaccurate to consider total stations or GPS units power equipment when they are instruments of the profession.

In summary, Land Surveying Party Chiefs are professionals, act in a supervisory capacity, and do not use power equipment. They should not be included in Power Equipment Operator Group 2. I ask you to reject the International Union of Operating Engineers/Local 701 request based on statutes, administrative rules, and because facts stated in their request do not reflect the reality of the duties and responsibilities of a Survey Party Chief. Finally, reject their petition as it doesn't reflect the will or best interest of professional land surveyors in Oregon.

Our company reserves the right to further participate in this process under the law including but not limited to the Administrative Procedures Act. We appreciate the consideration of the PWR Committee in evaluating this issue and considering our perspective as a company that provides surveying services.

Sincerely,

Tony Brooks, PLS
President, Land Surveyor & GIS Tech
Ag Geospatial NW, LLC