



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, Charles W. W. Stultz, Secretary,
Title or Position

State Board of Land Surveyors, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- (X) proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- (X) proposed rules and regulations superseding rules and regulations already on file;
- (X) notice of hearing;
- () findings and determinations;
- () rules and regulations; or
- () other - specify ()

This filing pertains to

Chapter 30
Article 13A
Series I
Section various
Page No. -

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 1-13-84
Administrative Law Division

- (X) proposed rules and regulations are required to go to Legislative Rule Making Committee;
- () proposed rules and regulations are excluded from Legislative Rule Making Committee;

January 12, 1984
Date Submitted

Charles W. W. Stultz
Signature of Person Authorizing
this Filing

WEST VIRGINIA STATE BOARD
OF EXAMINERS OF LAND SURVEYORS

PROPOSED

RULES AND REGULATIONS

Effective _____

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 1-13-84
Administrative Law Division

Note: Contained herein are the rules and regulations of the State Board of Examiners of Land Surveyors. These rules and regulations repeal and supersede all previous rules and regulations adopted by the Board prior to September 4, 1969.

These rules and regulations were adopted September 4, 1969 and further amended June 4, 1976, February 23, 1981, and January 12, 1984.

Pursuant to Chapter 30, Article 13A, Code of West Virginia, the State Board of Examiners of Land Surveyors herein referred to as the Board, hereby establishes rules and regulations governing the licensing for and practice of land surveying effective _____.

The Board has expressly declared and does consider that the profession of land surveying is a learned profession, and each practitioner of the said profession (hereinafter identified as the professional) is to be held accountable to the State and to the public by high professional standards in keeping with the ethics and practices of the other learned professions in this State. Accordingly, the standards of practice outlined in these Rules and Regulations are to be considered as MINIMUM STANDARDS OF PRACTICE. The application of technically up-to-date equipment, methods, or procedures in professional practice is encouraged and endorsed by the Board of Examiners.

West Virginia State Board
of Examiners of Land Surveyors

Introduction

On February 17, 1984, a public hearing was held by the West Virginia State Board of Examiners of Land Surveyors pursuant to and in accordance with the requirements of Chapter 20, Article 3, Section 1, of the West Virginia Code of 1931, as amended. The Hearing was held in Circuit Court Room, Romney, Hampshire County, West Virginia. The purpose of the Hearing was to amend and promulgate the current rules and regulations. The meeting was recorded by a court reporter and presided over by Nelson McCoy, Chairman of the Board. The time, place, and purpose of the meeting had been previously published in accordance with law.

The Hearing was convened as scheduled at 10:00 a.m. on February 17, 1984. All Board members were present. All persons present were given an opportunity to be heard on the amendments to the regulations. Both written and oral comments were received regarding the amendments to regulations of the Board. The name of the speaker and comments were recorded in the formal record of the meeting which has been prepared by the court reporter.

A copy of the regulations were filed with the Secretary of State on January 12, 1984, and was effective on

A transcript of the public hearing may be examined at the office of the Board, 34 West Main Street, Romney, West Virginia.

West Virginia
ADMINISTRATIVE REGULATIONS

State Board of Examiners of Land Surveyors
34 West Main Street
Romney, West Virginia 26757

Chapter 30-13A, Series I, (1969) as amended

SUBJECT: RULES AND REGULATIONS FOR THE
PRACTICE OF LAND SURVEYING IN W. VA.

SECTION 1 - General

1.01 Statutory Authority. These Rules and Regulations are promulgated by the State Board of Examiners of Land Surveyors under authority of Chapter 30, Article 13A, Section 4(a) of the West Virginia Code.

1.02 Board office: 34 West Main Street, Romney, West Virginia.

1.03 Filing Date: These rules and regulations were filed in the office of the Secretary of State on the 4th day of June 1976, the 23rd day of February 1981- , and the 12th day of January, 1984.

1.04 Effective Date: _____ day of _____.

SECTION 2 - General Purpose

2.01 These Rules and Regulations with the Minimum Standards of Practice for the performance of Boundary Surveys are promulgated for the purpose of administration and enforcement of Chapter 30, Article 13A of the West Virginia Code.

SECTION 3 - Satisfactory Records

3.01 Satisfactory Records, shall include plats, descriptions of surveys, certificates or reports of surveys, field notes, calculations for latitude, departure, coordinates, area, variation, observation for true meridian and other related records. The application of the Land Surveyor's seal and signature shall be evidence that the boundary survey is correct to the best of the Land Surveyor's knowledge and belief, and complies with the minimum procedures and standards established herein.

3.02a. Land Records Research Procedures:

The land surveyor shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land as it pertains to the common boundaries. The land surveyor shall have the additional responsibility to utilize any other available data pertinent to the survey being performed from any other source that is known to him/her. Evidence found, from all sources, shall be carefully compared with that located and found by field survey in order to establish the correct boundaries of the land being surveyed. It is not the intent of this rule to require the land surveyor to research the question of title or encumbrances on the land involved.

3.02b. Minimum Field Procedures:

(1) Angular Measurement:

Angle measurements made for traverse or boundary survey lines will be made by using a properly adjusted instrument which allows a direct reading to a minimum accuracy of one minute (1') of arc or metric equivalent. The number of angles turned at a given station or corner will be the number which, in the judgement of the land surveyor, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

(2) Linear Measurement:

Distance measurement for the lines of traverse of boundary surveys shall be made with metal tapes which have been checked and are properly calibrated as to incremental distances, or with properly calibrated electronic distance measuring equipment. All linear measurements shall be reduced to the horizontal plane and other necessary corrections performed before using for computing purposes.

SECTION 4 - Experience

4.01 The Board will consider adequate experience under a supervisor to include the subjects in Section 6 of these Rules and Regulations.

SECTION 5 - Examinations

5.01 The content of examinations will be taken from the subjects in Section 6 of these Rules and Regulations.

SECTION 6 - Accredited Surveying Curricula

6.01 The Board will be guided in accrediting survey curricula by the extent to which the following subjects are included in said curricula.

6.02 At least two years instruction are required to cover the subject of land surveying, with at least 60 semester credit hours. The curricula should cover the following subjects:

6.03 Mathematics to meet land survey needs, including arithmetic, algebra, plane geometry, trigonometry, functions and formulas, logarithms, triangulation, square roots, latitudes, departures, coordinates, curves, area, significant figures, accuracy, precision, theory and probability and kinds of errors, elementary data and statistical analysis, interpolations, omitted measurements, and partitioning, ~~sufficient to supplement high school deficiencies.~~

6.04 English, spelling, grammar, writing, speaking, and typing, sufficient to supplement high school deficiencies.

6.05 Ethics and public relations for surveyor. Responsibilities to the public, clients, adjoiners, and to the profession.

6.06 Legal and historical aspects of surveying. Records of ownership and transfer of title, controlling elements, adverse possession, ejectment, seniority, resurveys, surplus and deficiency, riparian rights, meander lines, metes and bounds surveys, U.S. Public Land survey system, laws, ordinances, and rules for surveys and subdivisions, liability for trespass, witnessing in court, handling of disputes, boundary line agreements, authority of surveys.

6.07 Preliminary procedures. Record sources, searches, abstracts, platting, detection and adjustment of errors, ground evidence.

6.08 Survey equipment capabilities, use and care: Compass, transit, electronic devices, clinometer, stadia, plane table, level, tapes, rods, plumb bob, verniers, notebooks, and small tools.

6.09 Field methods. Rural lands, city lots, subdivisions, underground, oil and gas well, surface mines, rights-of-way, title insurance surveys, hydrographic, topography, Public Lands, field notes, precisions, accuracies, bypassing obstacles, route and construction surveying.

6.10 Plotting, drafting, mapping. Equipment, methods, material, scales, sheet sizes, recordability, conventional symbols.

6.11 Calculations. Latitude, departure, DMD's, coordinates, areas, curves, inversing and intersections. Balancing latitudes and departures, errors of closure. Calculating equipment.

6.12 Reports. Descriptions, certificates, reports. Distribution and recordability.

6.13 Meridian observations. On sun and Polaris for true north, including magnetic declination and variation. ~~Declination and variation of the magnetic needle.~~

6.14 Monumentation. Markers for corners and references; marking of lines.

6.15 Photogrammetry. Use and interpretation of aerial photos for locating corners, possession lines, distances. Stereoscopes; distortion.

6.16 Miscellaneous. Tree and wood identification, geology, pacing.

6.17 Field work. A four-week-program curriculum covering rural, city lot, ~~and~~ underground ~~surveys~~; surveying and Meridian observations. Also included will be curves and construction stake out including route survey procedures. Meridian-observations,-needle-declinations-and-variations.

SECTION 7 - Unethical Practices

7.01 Signing or affixing a seal to any document prepared by persons who are not employees or who are not under supervision of the licensee as defined in Chapter 30, Article 13A, Section 5 of the West Virginia Code.

7.02 Accepting, paying, or offering to pay, either directly or indirectly, any gift, bribe, or other consideration to make an improper survey.

7.03 Associating with any survey project known by the licensee to be fraudulent or dishonest in character; or unlawful.

7.04 Failing to exercise due regard for the safety of persons under supervision of the licensee.

7.05 Violating, aiding or abetting any person in the violation of any provision of the West Virginia Code related to the practice of land surveying or any of the Rules and Regulations promulgated by the Board.

7.06 Injuring or attempting to injure, falsely or maliciously directly or indirectly, the reputation or business of another surveyor.

7.07 Reviewing the work of another land surveyor for the same client, except with the knowledge of such surveyor, or unless the connection of such surveyor with the work has been terminated.

7.08 Calling, naming, describing, designating or otherwise alleging that any service performed by a licensed land surveyor or any person under the supervision of said surveyor, is a survey, land survey, mortgage survey, loan survey, title insurance survey or similar wording, unless the service is performed in accord with the provisions of Article 13A of Chapter 30 of the Code of West Virginia or the regulations promulgated thereunder. ~~If the work is described as a mortgage inspection or similar title, state in the title block or other visible place that "This is not a land survey".~~

7.09 Signing, sealing or approving plats, descriptions or reports that are not in accord with Article 13A of Chapter 30 of the Code of West Virginia or any reasonable rule or regulation promulgated by the board, nor any documents that were not prepared under supervision of the person responsible.

7.10 Failing to respond within 30 days to written communications from the board and to make available any records relevant to any inquiry or complaint about the licensee's professional conduct. The 30-day period shall begin on the date when such communication was sent by the board by certified mail with return receipt requested to the last known address of the surveyor.

7.11 Advertising that is false, fraudulent, deceptive, misleading or unlawful.

7.12 Accepting and undertaking to perform land survey services which the surveyor is not competent to perform.

~~7.13--Failing to give adequate supervision to subordinates.~~

SECTION 8 - Field and Office Techniques

~~8.01--The surveyor shall use the proper equipment, methods, and precautions for the job to be done in the field and office.~~

~~8-02~~ 8.01 The surveyor shall examine, ~~to a reasonable limit,~~ all land records and field survey data essential to performing the work, including establishing the property lines. Indication of laps, gaps, seniority, and errors must be considered. The surveyor shall study and give due weight to descriptions and other evidence for all properties adjoining or affecting the survey. Records of such evidence shall be kept on file.

~~8-03~~ 8.02 Inform adjoining of survey plans, progress and results as fully as whenever possible.

~~8-04--Consider proper calculations for magnetic variation when retracing lines that have been surveyed before.~~

~~8-05--Express final line distance in horizontal terms.--If necessary to show surface distances, put in parenthesis, and include the word "surface".~~

~~8-06~~ 8.03 Bearings of new subdivision lot lines shall will be from the true (astronomic) meridian, if required. Bearings of other surveys may be from magnetic or true, but if true, it shall be so stated on the plat and in the description. Grid north of the West Virginia Coordinate System may be shown on plats. It is essential that the meridian reference used identifies the date and year.

~~8-07--New or re-established markers shall be of the most permanent type practicable; and shall be selected or installed so as to be most easily found in future years.--Monuments shall be adequately marked, referenced and described.--As a minimum, at least one corner shall be referenced to three of the most permanent objects available.--No wood stakes shall be left as permanent property markers.--In subdivisions, two stone or concrete monuments, not less than 24" long by 6" square or in diameter at the top, with proper centers shall be set in each block so that all street lines can be re-established; in addition, iron pipes or equally good markers shall be set at all other outside points of angles, curves and tangents and at any staked lot corners.~~

8.08--Property lines shall be marked whenever possible.--In wooded areas, by two hacks facing each side of the line within general reach of the person who marks.--In open areas, markers or monuments should be intervisible.

8.09--Error of closed traverse shall be calculated by latitude and departure or by coordinates, unless errors can be determined visually by plotting or by inspection.

8.10--Areas of closed traverse shall be calculated by two methods:

(a)--Either triangles or planimeter, and

(b)--Double meridian distances or coordinates, unless, as in the case of regularly shaped areas, it can be found by other calculations.

8.11--Plats should be clear, show the results of the work, and be suitable for recording and photocopying.--Boundary lines of the property surveyed shall be solid and heavier than tie lines, which shall be solid or dashed, but lighter and narrower.

8.12--Guides for the accuracy of surveys to be striven for are:

CLASS	ERROR OF CLOSURE	THEORETICAL UNCERTAINTY	
		Feet	mm
Rural	1:1500	4.00	300
City lot	1:5000	0.10	30
Underground	1:5000	0.10	30
Subdivision (urban)	1:7500	0.10	30
Commercial	1:00000	0.05	15

PRECISION-OF-MEASUREMENT

CLASS	BEARINGS	DISTANCES		VERTICAL
		Feet	mm	ANGLE
Rural	5'	0-20	60	15'
City-lot	1'	0-01	3	05'
Underground	1/2'	0-01	3	02'
Subdivision-(urban)	1/2'	0-01	3	02'
Commerical	1/2'	0-01	3	01'

8.04 The maximum permissible error of closure for a field traverse in connection with a boundary survey located in a rural area shall be one (1) foot in five thousand (5,000) feet or metric equivalent of perimeter length. The attendant angular closure shall be that which will sustain the 1/5,000 foot closure. The maximum permissible error of closure for a traverse in connection with a boundary survey located in an urban area shall be one (1) foot in ten thousand (10,000) feet or metric equivalent of perimeter length. The attendant angular closure shall be that which will sustain the 1/5,000 foot closure.

~~8-13~~ 8.05 Oil and gas well location surveys shall comply with Chapter 22, Article 4, Section 2 of the West Virginia Code of the Rules and Regulations promulgated thereunder.

8.06 The computation of field work data shall be accomplished by using mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations shall be used to determine the final boundary of the land involved.

8.07 The following information shall be shown on all plats and/or maps used to depict the results of the boundary survey:

a. The title of the boundary plat shall identify the land surveyed

and show the district and county or city in which the land is located. A caption or heading stating: "Plat of Survey of (or for) ... or some similar wording. Date of plat and revisions, name, address, signature, and seal of the surveyor in charge. Certificates that may be required. The name of any surveyor-in-training in charge of the work under supervision of the licensee may be shown."

- b. The owner's name and deed book referenced where the acquisition was recorded.
- c. Names of all adjacent owners, including their deed book and page number and/or subdivision lot designations.
- d. Names of highways and roads with route numbers, railroads, streams adjoining or running through the land, and other prominent or well objects of areas which are informative as to the location of the boundary survey.
- e. Bearings of all property lines to nearest ten seconds (10") of a metric equivalent.
- f. Distances of all property lines to nearest one hundredth (.01) of a foot or metric equivalent.
- g. Area to the nearest hundredth (.01) of an acre or metric equivalent for rural located surveys.
- h. North arrow and source of meridian used for the survey.
- i. On interior surveys a reference distance and bearing to at least two property corners of the parent tract.
- j. Tax Map designation and parcel number if available.
- k. Indication and description of each monument found and each monument set by the land surveyor.

1. The certificate required by these regulations that has been signed, dated and sealed by the land surveyor performing the survey.
- m. In all cases overlaps, encroachments or gaps shall be shown.
- n. A statement that the boundary survey shown is based on a current field survey; or that the land boundaries shown on the plat are the result of a compilation from deed and/or plats by others.

8.08 Monumentation:

- a. Each boundary survey or a tract or parcel of land shall be monumented at all corners with objects made of permanent material. Each such monument shall have attached a disk with the description "... "property corner", "do not disturb" ..." as well as the name and license number of the surveyor. Where it is not feasible to set actual corners appropriate reference corners shall be set preferably on line and the location of each shown on the plat or map of the boundary. All reference corners shall show location by bearing and distance to the property corner. When a property line passes through a wooded area "line trees" may be blazed or other trees within three feet of the property line may be marked by two hacks facing the line. Permission of adjoining owners should be obtained prior to the marking trees located on the adjoining property. However, if the property line is already marked by fences or other definite structures additional marking is not required.
- b. Subdivision surveys shall be monumented in accordance with local ordinances and regulation.

SECTION 9---Plats---Plats Shall Contain The Following Data:

9.01--State-County, and-District where the land is located;--If applicable, the-City, Subdivision, Addition, Block, and-Lot-Number.

9.02--Deed-book, plat-book, page-number-or-other-place-where-the deed, plat-or-other-instrument covering the land, is-recorded-or-found.

9.03--Names-of-adjoining-owners-with-lot-numbers, deed-book-and-page numbers-or-other-place-where-their-deed, plat-or-other-instrument-is recorded-or-found.

9.04--Overlaps, encroachments-or-gaps.

9.05--Type-of-markers-at-corners, and-if-artificial, whether-found (fd)-or-set;--Reference-markers-optional-provided-they-are-in-the-description. For-rural-surveys, show-bearing-and-distance-ties-to-at-least-two-parent tract-corners-or-significant-adjoiner-corners;--For-city-lots, show-bearing and-distance-to-original-markers-in-the-block-or-to-edge-of-three-nearest streets, including-half-or-full-street-width-dimensions, and-to-other significant-property-markers;--For-subdivisions, in-addition-to-those described-above, show-ties-to-at-least-two-markers-of-any-adjoining-subdivisions-and-to-any-public-triangulation-stations-in-the-vicinity.

9.06--For-rural-and-subdivision-surveys, show-the-magnetic-and-true (astronomic)-north-arrows, the-amount-and-direction-of-the-declination-as of-the-year-of-survey-and-for-the-instrument-used-for-the-survey, and the-location-where-the-instrument-declination-was-read;--Said-location-shall be-described-so-a-future-surveyor-may-go-to-that-spot-and-read-the-declination-on-the-instrument-and-thus-calculate-the-variation-that-has occurred-since-the-original-or-former-survey;--Arrows-on-rural-and-subdivision-plats-shall-be-platted-within-about-1/2-degree-of-accuracy.

9.07--Bearings, distances, curve-data-(central-angle, radius, arc-and-chord)-and-other-measurements-shall-be-shown-with-an-accuracy-consistent

with the field equipment, methods and precision employed. -- Show comparative conflicting data if significant, in parenthesis or other way. -- Enough dimensions shall be shown to enable all omitted dimensions to be determined by inspection or calculation.

9.08 -- Bearings shall be clockwise if practicable.

9.09 -- Scale of the plat showing inch first and its equivalent last.

9.10 -- Area of the entire tract and of any significant parts. -- Total subdivision area shall include streets, alleys, and other non-letted space. Accuracy of area figures shall be consistent with field methods employed.

9.11 -- Significant cultural, topographical or other relevant features. These may include buildings, utility facilities, pipelines, easements, fences, walls, driveways, watercourses, certificates with prescribed wording, etc.

9.12 -- Sheet and parcel number of tax map for the tract surveyed or of the parent tract whenever practicable.

9.13 -- On rural and subdivision plats, show general location of survey by (1) an insert sketch, or (2) by an arrow and approximate mileage to a landmark, or (3) by latitude and longitude of a specific corner by sealing from a 7¹/₂' quadrangle to the nearest 2 or 3 seconds. -- City lots are located from three nearest streets.

9.14 -- Month and year of survey. -- Show day if desirable.

9.15 -- A caption of heading stating: -- "Plat of Survey of (or for) ---" or some similar wording. -- Date of plat and revisions, name, address, signature, and seal of the surveyor in charge. -- Certificates that may be required. -- The name of any surveyor in training in charge of the work under supervision of the licensee may be shown.

9.16 -- Comply with metric measurement requirements.

SECTION ~~10~~ 9 - Description of Property Boundary Line Surveys

~~10-01~~ 9.01 The preamble shall contain the District, County, and State where the land is located, and if practicable, the watershed and location in relation to a well-known landmark.

~~10-02~~ 9.02 The body of the description shall contain: type, size and markings of monuments, and whether found or set; type, size, bearing and distance to reference markers; bearing and length of lines; names of present or former adjoiners at corners or along lines; the point on lines where significant markers or features are located; acreage; name of surveyor in charge; date of survey; and a reference to the accompanying plat. If bearings are from the true (astronomic) meridian, it should be so stated. Show calls in tabular form, starting each new paragraph with the bearing.

~~10-03~~ 9.03 The closing or "being" clause should contain data relating to the legal source of title to the land, or the land of which it is a part, such as the name of the grantor and grantee, date of deed, book and page number in the proper County Clerk's Office or other location.

SECTION ~~11~~ 10 - Description of Other Surveys

~~11-01~~ 10.01 Descriptions of other surveys shall conform to the requirements of the work.

SECTION ~~12~~ 11 - Certificate or Report of Survey

11.01 The surveyor shall furnish to the client or employer, plats and descriptions of the work performed, ~~along with~~ and may provide a certificate or report stating that he has made the survey, plat and description, giving the date surveyed, and describing all unusual circumstances, including ~~the weight given to conflicting evidence, any encroachments,~~ overlaps or gaps and how they were resolved; names of adjoiners

contacted and the information they supplied; the distribution of plats, descriptions, and reports; and the date of the certificate, and the signature, address and seal of the surveyor.

11.02 A minimum certificate of the survey shall be furnished to the client or employer by plat of survey including the following certification:
I CERTIFY THAT THIS PLAT OF SURVEY REFLECTS THE BOUNDARY OF THE PROPERTY,
BASED ON DEED OF RECORD AND/OR OTHER DOCUMENTS AND IS CORRECT TO THE BEST
OF MY KNOWLEDGE AND BELIEF AND COMPLIES WITH ALL LAWS, RULES AND REGULATIONS
GOVERNING THE PRACTICE OF LAND SURVEYING IN THE STATE OF WEST VIRGINIA.

SECTION ~~13~~ 12 - Underground Surveys and Maps

~~13-01~~ 12.01 Underground surveys and maps shall comply with the requirements in Chapter 22, Article 2, Section 1 of the West Virginia Code.

SECTION ~~14~~ 13 - Competency

~~14-01--Competency-in-the-practice-of-land-surveying-includes,-but-is-not-limited-to,-compliance-with-the-provisions-of-Sections-8,-9,-10,-11,-12-and-13-of-these-Rules-and-Regulations-~~

13.01 Failure to comply with any of the provisions of Sections 8, 9, 10, 11 and 12 of these Rules and Regulations may be considered a negligent act and shall be cause for suspension and/or revoking a license to practice land surveying in this State.

SECTION ~~15~~ 14 - License by Comity

~~15-01~~ 14.01 The Board recognizes the principle of comity with other states and countries, and ~~will~~ may honor the ~~acts~~ actions of licensing agencies

in those jurisdictions, provided said acts are at least equivalent to the requirements set forth in these Rules and Regulations.

SECTION ~~16~~ 15 - Compensation and Expenses of the Board

~~16-01~~ 15.01 The Board hereby sets a rate of ~~\$4-00~~ \$6.00 per hour for the time of its members while performing official work ~~of~~ for the Board.

~~16-02~~ 15.02 The Board hereby sets a rate established by the Governor for the use of its personal vehicles in official travel of Board members.

FILING OF ADMINISTRATIVE REGULATIONS

References are to Sections in W. Va. Adm.

Reg. 30-13A Series I

Accredited survey curricula, 6	Experience, 4
Authority for rules, 1.01	Field Techniques, 8
Certificate of survey, 12 <u>11</u>	Office, location of, 1.02
Comity, 15 <u>14</u>	Office techniques, 8
Compensation of Board, 16 <u>15</u>	Plats, 97- 13 <u>8</u> , <u>12</u>
Competency, 14 <u>13</u>	Reciprocity, 15 <u>14</u>
Curricula, accredited survey, 6	Records, satisfactory, 3
Description of surveys, 107-11 <u>9</u> , <u>10</u>	Reports of survey, 12 <u>11</u>
Ethics, 7	Techniques, field and office, 8
Examination, 5	Underground surveys and plats, 13 <u>12</u>
Expenses of Board, 16 <u>15</u>	Unethical practices, 7

Robert N. McCoy
P. O. Box 133
Monongah, W.Va. 26554
CHAIRMAN

Charles W. Stultz
34 W. Main St.
Romney, W.Va. 26757
SECRETARY

Floyd R. Stiles
P. O. Box 83
Kingwood, W.Va. 26537
MEMBER

STATE OF WEST VIRGINIA
STATE BOARD OF EXAMINERS OF LAND SURVEYORS

ROMNEY

34 W. Main Street
Romney, W.Va. 26757
Telephone: (304) 822-4090

January 12, 1984

Secretary of State
Building 1, Room W-157
State Capitol
Charleston, WV 25305

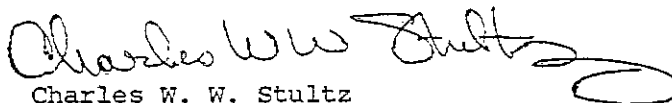
Gentlemen:

The revised Rules and Regulations are herewith forwarded.

A study was made by the Board of Examiners to consider the need for the changes recommended and/or made. This study is included as Enclosure 1.

Sincerely,

West Virginia State Board
of Examiners of Land Surveyors


Charles W. W. Stultz
Secretary of the Board

CWWS/jlb
Enclosures
pc: File

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE Jan. 13, 1984
Administrative Law Division

A STUDY CONCERNING
REVISED RULES AND REGULATIONS
GOVERNING THE PRACTICE OF
LAND SURVEYING IN
WEST VIRGINIA

Prepared By: State Board of Examiners
For Licensed Land Surveyors
34 West Main Street
Romney, West Virginia

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 1-13-84
Administrative Law Division

FOREWORD

The scrutiny of State Law pertaining to land surveying to ascertain whether such laws are technically up-to-date is obviously a concern of the entire engineering and surveying professions practicing in the State of West Virginia. The Board of Examiners has a principal function, the administration of the Laws, Rules and Regulations governing the practice of Land Surveying and, therefore, appropriately suggest and recommends change or revision to such Laws, Rules and Regulations in the interest of the public and the profession.

In suggesting change or revision to existing Law or in formulating Rules and Regulations governing the practice of Land Surveying in West Virginia, the State Board of Examiners is particularly cognizant of two outstanding and fundamental obligations. First to respect the right of the Surveyor Licensed by this State to his means of livelihood when such individuals have prepared themselves conscientiously and thoroughly to practice land surveying; and second to exercise its power to protect the public against the dangers arising out of the attempts of incompetent or unethical persons engaged in the practice of said profession.

In keeping with these obligations it is essential that the Board periodically review and re-evaluate established Rules and Regulations governing the practice of Land Surveying to assure that such Rules and Regulations are technically up-to-date and adequately protect the interest of both the public and the profession.

This study addresses those areas wherein established Laws, Rules and Regulations fail to provide for advancement to the public welfare and the mutual welfare of the land surveyor practicing in the State of West Virginia.

The Registration Law: Chapter 30, Article 1, Section 12 of the Official Code of West Virginia was enacted by Senate Bill No. 78 made effective May 25, 1969 and House Bill No. 583 made effective February 12, 1970, it provided for a separate certificate for underground surveying. Revisions to the current Law have occurred over the years as outlined in the following.

House Bill No. 506 was enacted effective July 14, 1973, it provided for:

- * Section 3, the term of the Board members to expire on June 30;
- * Section 5, half of the fee shall be retained if an application is denied;
- * Section 7, the "license applied for" authority was deleted;
- * a letter of authorization and a fee of \$5.00 are required for a temporary permit;
- * Section 12, ancient plats may be recorded without seal, other plats not containing a seal must include a certificate stating the basis for exemption;
- * Section 16, requires eventual recording of plats and descriptions.

Senate Bill No. 270 was enacted effective July 1, 1976, it provided for:

- * Section 5d, the fee for an original application shall be \$30.00, none of which is refundable;
- * Section 5a, a \$10.00 fee is added for an underground application, not refundable;
- * Section 6, the annual renewal fee was increased to \$20.00, penalty for non-payment of the renewal fee was increased to \$1.00 per month or fraction thereof;
- * Section 11, a stamp was authorized as an alternative to a metal seal on documents.

Several unsuccessful attempts have been made by the West Virginia Association of Land Surveyors (WVALS) to further modify the current "Survey Law" established under Chapter 30, Article 1, Section 12 of the Code. Those modifications desired by WVALS and fully supported by this Board are not discussed by this study.

A review of the West Virginia Rules and Regulations governing the practice of land surveying indicates that the profession is currently capable of providing improved accuracies of land surveys. The Rules and Regulations requiring improved accuracies would prove to be mutually beneficial to the general public and the profession. Inforcement of regulations for improved accuracies would preclude legal surveys being performed by unqualified persons.

A review of standards established by neighboring states indicates that West Virginia is virtually "behind the times" in establishing comparable accuracy standards (with the exception of Maryland, which is now developing accuracy standards). All the other adjoining states, Pennsylvania, Virginia, Kentucky, and Ohio, require a minimum of 1:5,000 error of closure for those surveys controlling the establishment of property boundaries. It would seem appropriate that West Virginia upgrade those accuracy standards as soon as possible.

A revised Rules and Regulations governing the requirements of research of land records and other documents related to the boundaries of properties within this state are essential to the performance of an accurate, reliable boundary survey consistent with the professional standards required by the state licensees. Appropriate change for that section of the Rules and Regulations are included in the current revision.

In order to determine the impact of regulation change on the individual land surveyor, a study was made to determine whether or not the Rules and

Regulations would have any adverse impact on land surveyor practicing in this state when such surveyor has maintained a technical up-to-date practice.

Figure 1 indicates that of 693 licensees, 61 percent are resident West Virginia surveyors. Thirty-nine percent (or 269) of state licensees are non-residents. Based on previous statements, it would appear that 39 percent of the current licensees are, therefore, working to accuracy standards in their home states which exceed the accuracy requirements of the State of West Virginia. Additionally, the impact on employment of surveyors was a major consideration.

Figure 2 indicates that 44 percent (or 304) of all licensees are self-employed surveyors with their livelihood depending strictly on the practice of land surveying. The number of West Virginia Association of Land Surveyors (WVALS) members, in the category shows that only 13 percent of self-employed licensees in this state are members of the WVALS.

Figure 3 shows that WVALS members total 27 percent of all licensees with 15 percent of those members being non-residents. This group although representing 27 percent (or 13 percent of surveyors in private practice) is the largest organization representing the profession of land surveying in the State of West Virginia.

The opinions and contributions of the society are therefore considered essential in the final determination of the Rules and Regulations governing the practice of land surveying in the State of West Virginia.

The opinions and contributions of the WVALS are included as Appendix I. Major recommended changes made to the revised Rules and Regulations are:

1. An increase in the "surveying accuracy standards" which are parallel with those of neighboring states, i.e. Virginia, Kentucky, Pennsylvania, and Ohio, are necessary.

2. Records check and consideration of adjoining property boundaries are mandatory for a surveyor to consider when establishing the boundary of public property.

The revised Rules and Regulations reflect the recommended changes.

**Total West Virginia
Licencees : 693**

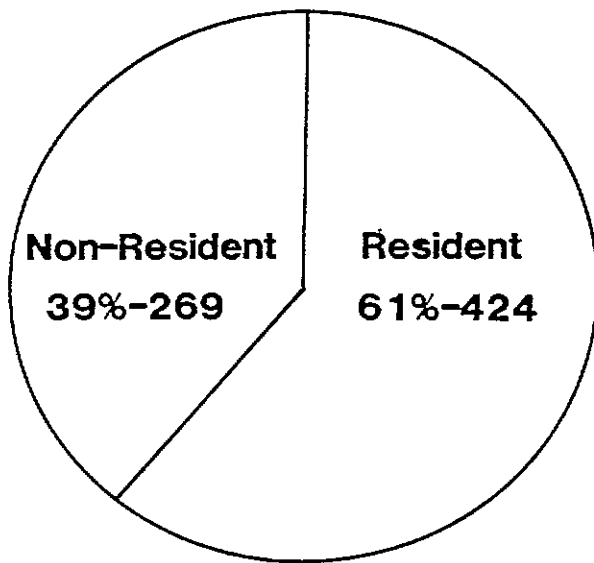


FIGURE NO. 1

**All Licensees
Employment**



FIGURE NO. 2

**Total Licensees
Surveyor Members
West Virginia Assoc. of Land Surveyors**

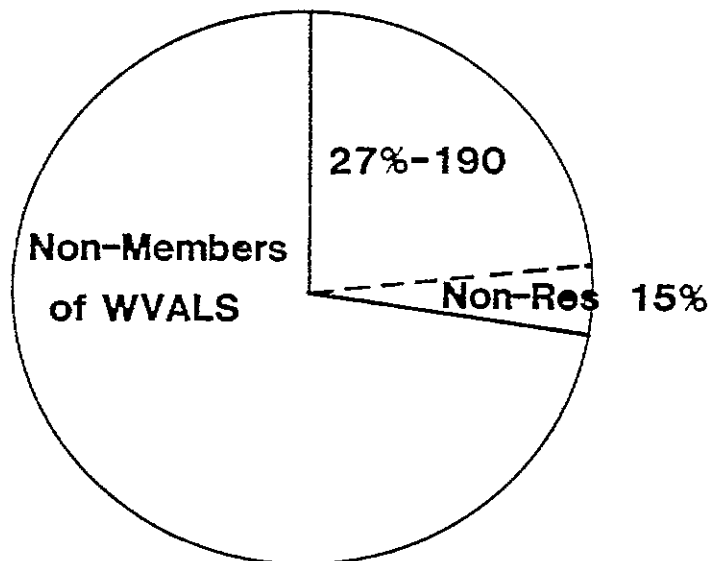


FIGURE NO. 3

A STUDY CONCERNING
REVISED RULES AND REGULATIONS
GOVERNING THE PRACTICE OF
LAND SURVEYING IN
WEST VIRGINIA

Prepared By: State Board of Examiners
For Licensed Land Surveyors
34 West Main Street
Romney, West Virginia

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 1-13-84
Administrative Law Division

FOREWORD

The scrutiny of State Law pertaining to land surveying to ascertain whether such laws are technically up-to-date is obviously a concern of the entire engineering and surveying professions practicing in the State of West Virginia. The Board of Examiners has a principal function, the administration of the Laws, Rules and Regulations governing the practice of Land Surveying and, therefore, appropriately suggest and recommends change or revision to such Laws, Rules and Regulations in the interest of the public and the profession.

In suggesting change or revision to existing Law or in formulating Rules and Regulations governing the practice of Land Surveying in West Virginia, the State Board of Examiners is particularly cognizant of two outstanding and fundamental obligations. First to respect the right of the Surveyor Licensed by this State to his means of livelihood when such individuals have prepared themselves conscientiously and thoroughly to practice land surveying; and second to exercise its power to protect the public against the dangers arising out of the attempts of incompetent or unethical persons engaged in the practice of said profession.

In keeping with these obligations it is essential that the Board periodically review and re-evaluate established Rules and Regulations governing the practice of Land Surveying to assure that such Rules and Regulations are technically up-to-date and adequately protect the interest of both the public and the profession.

This study addresses those areas wherein established Laws, Rules and Regulations fail to provide for advancement to the public welfare and the mutual welfare of the land surveyor practicing in the State of West Virginia.

The Registration Law: Chapter 30, Article 1, Section 12 of the Official Code of West Virginia was enacted by Senate Bill No. 78 made effective May 25, 1969 and House Bill No. 583 made effective February 12, 1970, it provided for a separate certificate for underground surveying. Revisions to the current Law have occurred over the years as outlined in the following.

House Bill No. 506 was enacted effective July 14, 1973, it provided for:

- * Section 3, the term of the Board members to expire on June 30;
- * Section 5, half of the fee shall be retained if an application is denied;
- * Section 7, the "license applied for" authority was deleted;
- * a letter of authorization and a fee of \$5.00 are required for a temporary permit;
- * Section 12, ancient plats may be recorded without seal, other plats not containing a seal must include a certificate stating the basis for exemption;
- * Section 16, requires eventual recording of plats and descriptions.

Senate Bill No. 270 was enacted effective July 1, 1976, it provided for:

- * Section 5d, the fee for an original application shall be \$30.00, none of which is refundable;
- * Section 5a, a \$10.00 fee is added for an underground application, not refundable;
- * Section 6, the annual renewal fee was increased to \$20.00, penalty for non-payment of the renewal fee was increased to \$1.00 per month or fraction thereof;
- * Section 11, a stamp was authorized as an alternative to a metal seal on documents.

Several unsuccessful attempts have been made by the West Virginia Association of Land Surveyors (WVALS) to further modify the current "Survey Law" established under Chapter 30, Article 1, Section 12 of the Code. Those modifications desired by WVALS and fully supported by this Board are not discussed by this study.

A review of the West Virginia Rules and Regulations governing the practice of land surveying indicates that the profession is currently capable of providing improved accuracies of land surveys. The Rules and Regulations requiring improved accuracies would prove to be mutually beneficial to the general public and the profession. Inforcement of regulations for improved accuracies would preclude legal surveys being performed by unqualified persons.

A review of standards established by neighboring states indicates that West Virginia is virtually "behind the times" in establishing comparable accuracy standards (with the exception of Maryland, which is now developing accuracy standards). All the other adjoining states, Pennsylvania, Virginia, Kentucky, and Ohio, require a minimum of 1:5,000 error of closure for those surveys controlling the establishment of property boundaries. It would seem appropriate that West Virginia upgrade those accuracy standards as soon as possible.

A revised Rules and Regulations governing the requirements of research of land records and other documents related to the boundaries of properties within this state are essential to the performance of an accurate, reliable boundary survey consistent with the professional standards required by the state licensees. Appropriate change for that section of the Rules and Regulations are included in the current revision.

In order to determine the impact of regulation change on the individual land surveyor, a study was made to determine whether or not the Rules and

Regulations would have any adverse impact on land surveyor practicing in this state when such surveyor has maintained a technical up-to-date practice.

Figure 1 indicates that of 693 licensees, 61 percent are resident West Virginia surveyors. Thirty-nine percent (or 269) of state licensees are non-residents. Based on previous statements, it would appear that 39 percent of the current licensees are, therefore, working to accuracy standards in their home states which exceed the accuracy requirements of the State of West Virginia. Additionally, the impact on employment of surveyors was a major consideration.

Figure 2 indicates that 44 percent (or 304) of all licensees are self-employed surveyors with their livelihood depending strictly on the practice of land surveying. The number of West Virginia Association of Land Surveyors (WVALS) members, in the category shows that only 13 percent of self-employed licensees in this state are members of the WVALS.

Figure 3 shows that WVALS members total 27 percent of all licensees with 15 percent of those members being non-residents. This group although representing 27 percent (or 13 percent of surveyors in private practice) is the largest organization representing the profession of land surveying in the State of West Virginia.

The opinions and contributions of the society are therefore considered essential in the final determination of the Rules and Regulations governing the practice of land surveying in the State of West Virginia.

The opinions and contributions of the WVALS are included as Appendix I. Major recommended changes made to the revised Rules and Regulations are:

1. An increase in the "surveying accuracy standards" which are parallel with those of neighboring states, i.e. Virginia, Kentucky, Pennsylvania, and Ohio, are necessary.

2. Records check and consideration of adjoining property boundaries are mandatory for a surveyor to consider when establishing the boundary of public property.

The revised Rules and Regulations reflect the recommended changes.

**Total West Virginia
Licencees : 693**

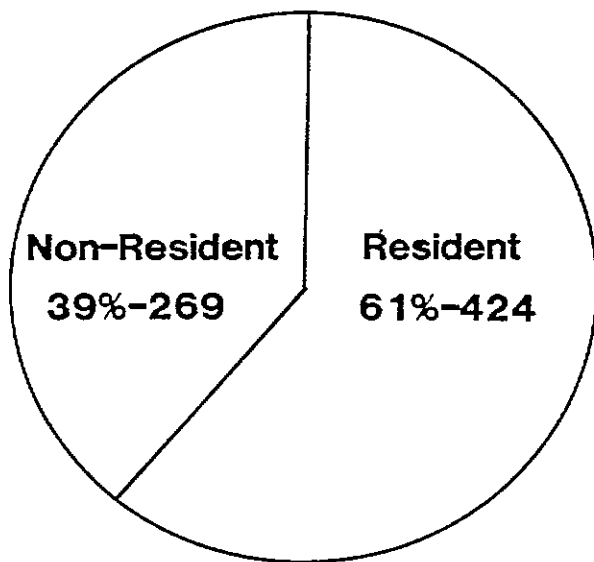


FIGURE NO. 1

**All Licensees
Employment**



FIGURE NO. 2

**Total Licensees
Surveyor Members
West Virginia Assoc. of Land Surveyors**

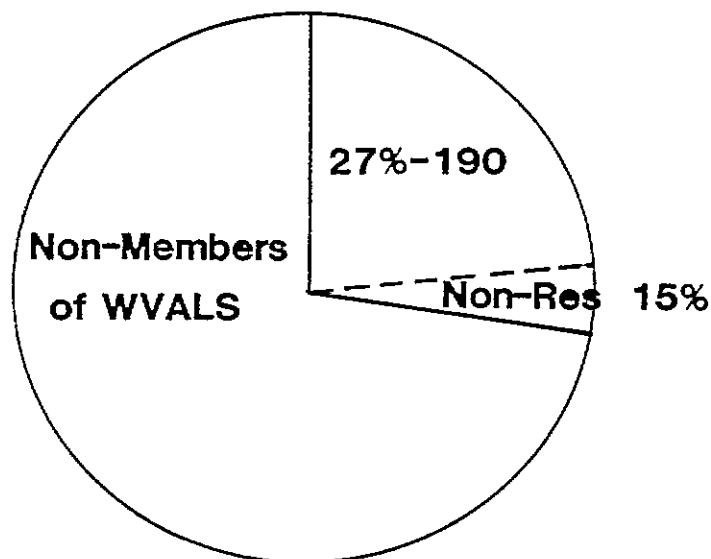
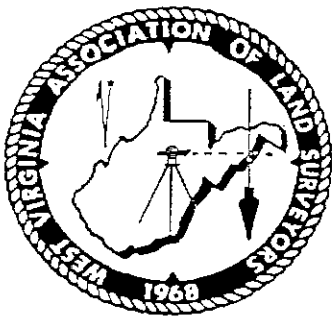


FIGURE NO. 3



Appendix I

RECEIVED 12-13-1983

WEST VIRGINIA ASSOCIATION OF LAND SURVEYORS

P.O. Box 468 • Clarksburg, WV 26301 • Telephone 622-3231

"Every Man Is A Debtor to His Profession"

STATE OFFICERS

President Ronnel E. Westfall, LLS
P.O. Box 421
Sutton, WV 26601
785-2841 (O)
785-2470 (H)

President-Elect Curtis E. Keplinger, LLS
P.O. Box 691
Petersburg, WV 26847
257-4818 (O)
749-7523 (H)

Vice President Thomas J. Cronin, LLS
24-A Chancery Street
Buckhannon, WV
472-9369 (O-H)

State Directors F. Henry Sipe, LLS
J. Bruce Hager, LLS
Kennie F. Snyder, LLS
Charles S. Correll, PE
Donald L. Berry, LLS
Tom M. Henderson, LLS

Treasurer K.F. Snyder, LLS

Secretary Charlotte Long

CHAPTER REPRESENTATIVES

Buckhannon Chapter David M. Owen, LLS

Central (Sutton) Charles A. Tenney, LLS

Charleston Chapter Billy D. Ising

Clarksburg Chapter Cecil R. Main, LLS

Eastern Panhandle R. Michael Shepp, LLS

Elkins Chapter John Campbell, LLS

Glenville State College (Student)
Charles R. Syppitt, LLS

Huntington Chapter Stanley E. Thompson, LLS

Kingwood Chapter Jesse D. Cantfield, LLS

Little Kanawha Regional (Parkersburg)
E.J. McHenry, LLS

Olde Greenbrier Chapter Gary S. Johnson, LLS

Potomac Valley Chapter Rickie C. Davy, LLS

Professional Surveyors in Private Practice
George Cicoff, PE

Southern Chapter R. Gary Shields, LLS

IMMEDIATE PAST PRESIDENT

Ronald Eastham, LLS

ACSM DELEGATE

Ronnel E. Westfall, LLS

EDITOR - WV SURVEYOR

Curtis E. Keplinger, LLS

LADIES AUXILIARY

President Brenda Westfall
P.O. 421
Sutton, WV 26601
785-2470

Vice President Arlene Mossor

Secretary Donna Butler

Treasurer Vivian Parsons

December 13, 1983

State Board of Examiners
of Land Surveyors
34 West Main Street
Romney, WV 26757

Gentlemen;

I am pleased to inform you that on December 10, 1983, at a meeting called expressly for the purpose of discussing Rules and Regulation changes proposed by you, the Board of Directors of the "West Virginia Association of Land Surveyors" voted on and passed a motion as follows:

"The West Virginia Association of Land Surveyors supports the Rules and Regulation changes presented by the Board of Examiners, asking them to consider further input by Association members and chapter representatives".

As you are well aware by the ensuing discussion at our December 10th meeting not everyone present there was in total agreement with everything in the proposed regulations. I believe that while it is evident by the wording of the motion that the Association realizes a set of regulations could not be written that would be totally agreeable with everyone, it is also clearly evident that the Association is in agreement with and supports your efforts to raise the level of professionalism in surveying in W.VA. while at the same time better serving and protecting the public. We trust that in the spirit you will continue to consider comments from our membership until such time as the rewrite is completed.

The Association thanks you for allowing us to have an active part in this rewrite and we look forward to continued cooperation with you, the Board of Examiners.

Sincerely yours,

Ronnel E. Westfall
Ronnel E. Westfall
President WVALS

Affiliate—American Congress on Surveying and Mapping
Member—Southeastern Association of Professional Land Surveyors

mm
*cw**

TITLE 23

STATE BOARD OF LAND SURVEYORS

Ed. Note: The State Board of Land Surveyors does not have any
rules on file with the Secretary of State's Office.