

West Virginia Association of Geospatial Professionals

Resolution

Endorsement of NCEES Model Rules, Section 210.25

“Inclusion and Exclusion of Surveying Practice”

DRAFT – 27 April 2009

To endorse and recommend the legislative acknowledgement and adherence to the “Inclusions and Exclusions of Surveying Practice” as promulgated by the National Council of Examiners of Engineers and Surveyors (NCEES) contained within NCEES Model Rules, dated August 2008.

Whereas, Technological advancements such as global positioning systems, computers and software applications have enabled non-professionals to more easily collect and disseminate geographic information; and

Whereas, The collection of geographic information involves the application of such sciences as geographic information science, mathematics, geodesy, and remote sensing; and

Whereas, West Virginia Statutory Code 30-13A-3 defines a survey to be measuring a parcel of land and ascertain its boundaries, corners and contents or make any other authoritative measurements; and

Whereas, West Virginia Statutory Code 30-13A-3 defines surveying as: The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on or below the earth; and (2) providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects; and

Whereas, It is understood that in the interest of the welfare of the citizens of West Virginia, that collection, manipulation, and dissemination of authoritative geographic information is required to be performed by a professional surveyor, licensed by the state of West Virginia pursuant to WV Code 30-13A; and

Whereas, The West Virginia Board of Professional Surveyors (WVBPS) are the governmental body charged with the regulation of surveying in the state of West Virginia; and

Whereas, WVBPS is a member of the National Council of Examiners of Engineers and Surveyors (NCEES) which is organization composed of engineering and surveying licensing boards representing all states and U.S. territories; and

Whereas, NCEES has developed Model Laws and Model Rules to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation; and

Whereas, NCEES developed the Model Laws and Model Rules in counsel with the following organizations:

American Congress on Surveying and Mapping (ACSM)

American Society of Civil Engineers - Geomatics Division (ASCE)

American Society for Photogrammetry and Remote Sensing (ASPRS)

Management Association for Private Photogrammetric Surveyors (MAPPS)

National Society of Professional Surveyors (NSPS)

National States Geographic Information Council (NSGIC)

Urban and Regional Information Systems Association (URISA); and

Whereas, Through the counsel of these various organizations the development of the “Inclusions and Exclusions of Surveying Practice” was developed and incorporated as part of the NCEES Model Rules, dated August, 2008; and

Whereas, There is a need to distinguish between the collection and dissemination of authoritative and non-authoritative geographic information as defined by NCEES Model Rules in the interest of the welfare of the citizens of West Virginia; and

Whereas, The West Virginia Society of Professional Surveyors approved a resolution in 2009 to endorse and recommend the legislative acknowledgement and adherence to the “Inclusions and Exclusions of Surveying Practice” as promulgated by the NCEES Model Rules, dated August 2008, Section 210.25; and

Whereas, The language contained with the “Inclusions and Exclusions of Surveying Practice” is made a part of this resolution, be it

RESOLVED that the West Virginia Association of Geospatial Professionals endorses the “Inclusions and Exclusions of Surveying Practice” as contained within the NCEES Model Rules, dated August 2008, Section 210.25.

Further, be it RESOLVED that the West Virginia Association of Geospatial Professionals recommends to the West Virginia Board of Professional Surveyors to include the “Inclusions and Exclusions of Surveying Practice” as contained within the NCEES Model Rules, dated August 2008, Section 210.25 be incorporated in West Virginia legislation.

210.25 Inclusions and Exclusions of Surveying Practice

A. Activities Included within Surveying Practice

Activities that must be accomplished under the responsible charge of a professional surveyor (unless specifically exempted in Section B on the next page) include, but are not limited to, the following:

1. The creation of maps and georeferenced databases representing authoritative locations for boundaries, the location of fixed works, or topography. This includes maps and georeferenced databases prepared by any person, firm, or government agency where that data is provided to the public as a survey product.
2. Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes: geodetic control, orthoimagery, elevation and hydrographic, fixed works, private and public boundaries, and cadastral information.
3. Certification of positional accuracy of maps or measured survey data.
4. Adjustment or authoritative interpretation of raw survey data.
5. Geographic Information System (GIS) - based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.
6. Authoritative interpretation of maps, deeds, or other land title documents to resolve conflicting data elements.
7. Acquisition of field data required to authoritatively position fixed works or cadastral data relative to geodetic control.
8. Analysis, adjustment or transformation of cadastral data of the of the parcel layer(s) with respect to the geodetic control layer within a GIS resulting in the affirmation of positional accuracy.

B. Activities Excluded from Surveying Practice

A distinction must be made in the use of electronic systems between making or documenting original measurements in the creation of survey products, versus the copying, interpretation, or representation of those measurements in such systems. Further, a distinction must be made according to the intent, use, or purpose of measurement products in electronic systems to determine a definitive location versus the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not to be included as activities within the definition of surveying:

1. The creation of general maps:
 - a. Prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians;

- b. Prepared for publication in a gazetteer or atlas as an educational tool or reference publication;
- c. Prepared for or by education institutions for use in the curriculum of any course of study;
- d. Produced by any electronic or print media firm as an illustrative guide to the geographic location of any event;
- e. Prepared by laypersons for conversational or illustrative purposes. This includes advertising material and users guides.

2. The transcription of previously georeferenced data into a GIS or LIS by manual or electronic means, and the maintenance thereof, provided the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and/or the precise location of fixed works of humans.

3. The transcription of public record data, without modification except for graphical purposes, into a GIS- or LIS-based cadastre (tax maps and associated records) by manual or electronic means, and the maintenance of that cadastre, provided the data are clearly not intended to authoritatively represent property boundaries. This includes tax maps and zoning maps.

4. The preparation of any document by any federal government agency that does not define real property boundaries. This includes civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other such documents.

5. The incorporation or use of documents or databases prepared by any federal agency into a GIS/LIS, including but not limited to federal census and demographic data, quadrangle topographic maps, and military maps.

6. Inventory maps and databases created by any organization, in either hard-copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which they have rights or for which they have management responsibility. The distribution of these maps and/or databases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source(s) and date(s), and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

7. Maps and databases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists, historians, or other persons qualified to document such data.

8. Maps and georeferenced databases depicting physical features and events prepared by any government agency where the access to that data is restricted by statute. This includes georeferenced data generated by law enforcement agencies involving crime statistics and criminal activities.