

TO: NSPE Board of Directors

cc: House of Delegates
NSPE Committee, Task Force, Council and Interest Group Chairs
State Society Presidents and Presidents-elect
State Society Executives Council
NSPE Past Presidents

FROM: Mark J. Golden, FASAE, CAE 
Executive Director

DATE: March 2, 2017

RE: Board Update: February 15-28, 2017

This will be my final, written report prior to the board's face-to-face meeting in San Francisco, March 17-18, 2017. That meeting is shaping up to be intensive and substantive, so rest up before your travel! As the board has discussed, the agenda includes a day and a half of strategic dialogues, focusing on:

- Future membership and business model¹;
- Future role of national in support of state operations;
- Preliminary discussion of the draft FY18 budget (in the context of the Business Plan); and
- The Future of the Profession Task Force progress on its charges.

The formal board business meeting will be conducted on Saturday afternoon, and includes:

- Action items flowing from the strategic dialogues;
- Fellows nominations;
- Discussions with structural engineering licensing coalition;
- Selection of auditors for next year;
- A request from the Past Presidents Council for changes in Operating Policy 10.3; and,
- Other issues that may arise in the course of these discussions.

The agenda is being posted to the [BoardBookIt](#) site, and background materials will be added over the course of the next week.

Championing the PE License

As the board is aware, President Kodi Verhalen and I participated in a meeting initiated by NSPE with representatives of the Structural Engineering Licensure Coalition² at NSPE headquarters on February 16th. The purpose of the meeting was to conduct an open discussion to explore whether there were areas of agreement that our

NSPE encourages states to use the information in this report in newsletters or other updates to their membership to inform members on the activities of NSPE. As a suggestion, it may be most useful to take the bullets of most interest from the transmittal email. The full report (and past reports) can always be found [online](#).

¹ Nearly a full day of the board of directors meeting will be devoted to discussion of this matter. The project is on schedule to have a concrete and detailed proposal on the House of Delegates agenda in July (at the annual meeting in Atlanta) for decision and action.

² The SELC includes the ASCE Structural Engineering Institute, the ACEC Council of American Structural Engineers, the Structural Engineering Certification Board, and the National Council of Structural Engineers' Associations.

organizations could pursue, without compromise to any fundamental principles where our organizations might differ.

As reported on the board's February 22nd call, the meeting was extremely positive. As noted above, Kodi and I will be bringing the matter forward to the board for discussion in San Francisco as to whether and how to proceed further.

Unfortunately, the positive feelings of trust emerging from that meeting have been disrupted by the premature and unauthorized distribution of unofficial notes from the session. These notes have surfaced in at least two states where active legislative proposals regarding structural engineering are under consideration. NSPE is responding to those specific instances directly, however to be absolutely clear:

- **NSPE has not changed its position regarding discipline-specific licensure** (as set out in [Position Statement No. 1737](#), [Position Statement 1778](#) and explained further on the [website](#));
- **NSPE is and will continue to advocate this position, wherever proposals inconsistent with our position arise.** (We fully expect the structural engineering associations to, likewise, continue to advocate their own views.)
- **Nothing has changed in the substance or effect of the various SE proposals currently being advocated by SELC in the states, and NSPE remains firmly opposed to those proposals,** as NSPE and its state partners have formally communicated to decision makers in those states.
- **We remain hopeful that there is room for NSPE and the SELC to narrow the areas of disagreement,** and potentially reach a position that can be jointly supported by all the parties. However, these discussions are in the very earliest stages.

I urge all directors and other leaders to be alert to any inaccurate reports of NSPE's position or of these nascent discussions, and to take firm steps to correct them.

This summer, NSPE joined in a "friend of the court" [brief](#) in a case before the Maryland Court of Appeals³ challenging the [economic loss rule](#) in connection with an engineer's design of a wastewater treatment plant. The application of this doctrine protects PEs from alleged tort claims by contractors for purely economic damages, such as lost profits and delay damages, when there is no contract between the PE and the contractor. On February 22nd, the court of appeals affirmed the lower courts' application of the economic loss rule and dismissed the "out-of-privity" claims (i.e.; asserting contractual obligations on persons not party to the contract) against the engineering firm. The Court of Appeals cited many of the cases/arguments advanced in the amicus brief in its ruling.

Early in the month, NSPE sent an Action Alert to all members asking them to support the 2017 Engineers Week Resolution sponsored by Congressman Daniel Lipinski (IL-3). As of right now, a very impressive 211 NSPE members have contacted 150 members of Congress urging them to sign on.

NSPE and the [South Carolina Society of Professional Engineers](#) are working together to oppose legislation that would undermine the role of the professional engineer in making final decisions about the correct type of piping to use. South Carolina H 3652 states, "an official or an engineer of a government agency shall consider all piping material in

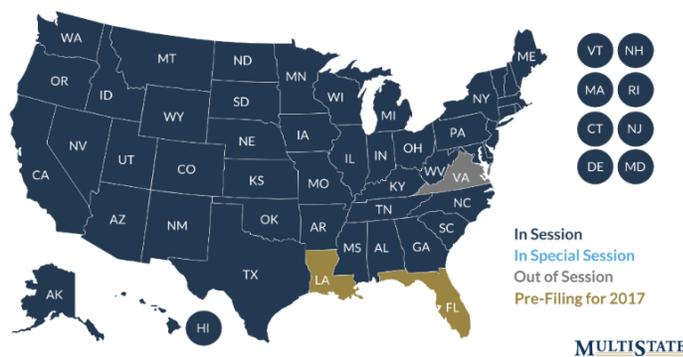
³ Balfour Beatty Infrastructure Inc. vs Rummel Klepper & Kahl LLP

determining project requirements when state funds are used for a water supply, wastewater, or storm drainage project.” In a [joint letter to the South Carolina Senate President Pro Tempore](#), NSPE President Kodi Jean Verhalen, P.E., Esq., F.NSPE, and SCSPE President Angela Musselwhite, P.E., opposed the legislation, pointing out that “This section causes major concern because it creates the ability for an “official of a governmental agency” who may not be a professional engineer licensed in South Carolina to have the final decision on piping materials. If this bill is enacted, any advocate of a certain material could persuade an official to choose the material for piping. The professional engineer is already obligated to choose the right piping material, using their own sound judgment based on experience, expertise, qualifications, and the applied knowledge of engineering principles.”

Under the NSPE [Code of Ethics](#), “Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.” If this legislation becomes law, professional engineers will not have the final decision on selection of appropriate piping materials for projects. It is the professional engineer who protects our safety and the professional engineer who must make this decision.

NSPE and the [Kansas Society of Professional Engineers](#) are fighting back against an effort to erode qualifications-based selection in Kansas. A report erroneously claims that the Kansas Department of Transportation could save funds by eliminating QBS. [In a letter](#) to the Kansas House Transportation and Public Safety Budget Committee Chairman and Vice Chairman, NSPE President Kodi Jean Verhalen, P.E., Esq., F.NSPE, cited a 2009 study conducted by the University of Colorado and the Georgia Institute of Technology regarding procurement of engineering services and found that QBS does save government agencies money. Verhalen writes, “QBS consistently reduces overall construction costs, produces better project results, and creates highly satisfied owners.” Moreover, QBS protects the public welfare, protects the taxpayer, benefits small firms and promotes technical innovation. NSPE believes professional engineers, on the basis of design ability, experience, and integrity should perform all engineering services. NSPE strongly supports the continued use of qualifications-based selection for architectural and engineering services in the state of Kansas.

Current State Legislative Sessions | as of 02/28/17



With nearly every state’s legislature either already in session or pre-filing for their 2017 session, now is the time for extra diligence in monitoring for legislative opportunities and threats in your state capitol. State societies are reminded of two services that national offers, free of charge, to our state partners: 1) Access to Multi State Associates’

legislative and regulatory tracking database, which can be filtered by state; and 2) VoterVoice’s online action alert system, which enables state societies to put out action alerts to their members, facilitate their contacting decision makers, and tracking these activities. If you would like to use MultiState for legislative tracking or VoterVoice for action alerts, please email Arielle Eiser, Senior Manager of Government Relations.

Ethical Guide to the Profession

NSPE President Kodi Verhalen has been invited by the National Academy of Engineers' Center for Engineering Ethics and Society to moderate a panel on "Artificial Intelligence and Autonomous Systems in Engineering – Challenges and Opportunities of This Frontier" during the 2017 National Academy of Engineering (NAE)/American Association of Engineering Societies (AAES) Convocation of the Professional Engineering Societies. The Convocation takes place annually in Washington, DC.

Twelve new ethics case studies prepared by the NSPE Board of Ethical Review (BER) are in final editing and will be available soon. The Board of Ethical Review is also exploring using the NSPE Communities platform to engage members on ethical topics. The initial concept is to have a member from BER post an ethical scenario with thought provoking question(s) in the Open Forum and then having 1-2 seeded people (BER members or Previous Ethic Challenge winners) chiming in with consideration or potential answers to drive participation in the conversation.

Powering Professional Advancement

As noted above, the NSPE's Future of the Profession Task Force has prepared a draft report for consideration by the NSPE Board of Directors this month. The Task Force has been examining key issues that will influence and shape the engineering profession including such issues as threats to professional and occupational licensing, licensure vs certification, the industrial exemption, emerging technology, innovative ways to deliver professional services, professional liability, global practice and other critical issues. The Task Force is expected to present its final report at the July 2017 PECON in Atlanta, GA.

The [cover story](#) for the March/April issue of *PE* magazine shares the expertise of three licensed professional engineers who are involved in different aspects of cybersecurity. As cyberattacks increase, technical solutions are needed but experts say it goes beyond technology to a need for cultural changes.

It was my privilege to participate in the Nevada society's "Introduce a Kid to Engineering" event at the University of Nevada-Las Vegas on February 25th. Capping off the day (and the state's active schedule of EWeek events) I was provided the opportunity at the EWeek banquet that evening to publicly announce that the 2018 NSPE PE Conference will be held July 17-23 at Caesars Palace in Las Vegas. The call for presentations for the 2018 Professional Engineers Conference will open in late 2017.

In the meantime, don't miss out on the [2017 Professional Engineers Conference](#) that will be held July 19–23 at the Atlanta Marriott Marquis. The 2017 Conference Task Force is planning over 25 one-hour educational sessions presented by national leaders. This year's keynote speaker is Dr. Bud Peterson, president of Georgia Tech and a member of the National Science Board, which advises the president and Congress on national policy related to science and engineering research and education. [Registration](#) will open April 1, 2017.

Uniting the PE Community

My February 3rd [update](#) included analytics on NSPE website traffic during the final quarter of 2016. Starting in January 2017, we expanded from Google Analytics' default

configuration⁴ to custom variables for tracking by “user roles” on the site. Examples of user roles are: member, nonmember, state execs, students, staff, and anonymous. This data will allow us to see, better track and understand who is visiting the site the most/least and what content is being viewed by each category of user. The more refined analytics will be available in the next website traffic report in April.

Looking at the effectiveness of our efforts to promote National Engineers Week via the web, the [EWeek](#) page on NSPE’s website received over 6,100 unique page views the week of February 19th through the 25th, making it the most visited page on the site with 5,000 new (first-time) users.

Where did these users come from?

- 81% came from an organic search on Google (66.76%), Bing (10.73%), and Yahoo (3.70%).
- 12% came from direct traffic (users who bookmarked the page or clicked on a link in an e-mail).
- 6% were referred from some other website or email.

The NSPE podcast team is continuing to evolve *NSPE Speaks* and improve the listener experience. The team has added a new “engineering in pop culture” regular segment and is working to provide the podcast to listeners on more platforms, such as Stitcher and Google Play. This will allow users on a wider variety of devices to listen via their phones and other mobile technology. And, as always, the podcast is available via iTunes and streaming on the NSPE website (www.nspe.org/podcasts)

Staff provided its detailed monthly membership [report](#) and analysis for February to the board, available in the directors’ online community.

Next week (March 8-9th) the National Engineers Week Foundation (d.b.a. DiscoverE) will convene its annual, “Global Marathon For, By and About Women in Engineering,” a free, world-wide, online experience featuring live webcasts and satellite events. Information and registration information can be found [online](#).



As mentioned in my last update, NSPE President Verhalen and President-elect Roberts participated in the annual Future City national competition, February 19-21 in Washington, D.C. Forty-three schools were represented this year. The 2nd place winning team award, sponsored by NSPE, went to Veritas Homeschoolers from Gilbert, AZ. Their award is a \$5000 check to the school for STEM-related programs.

⁴ Reporting page views, unique page views, geographic location of visitors, what browsers they're using, what they're downloading, etc.



In addition, each Future City team took part in a special awards competition sponsored by 20 engineering organizations and Future City partners. NSPE's special award went to Southwest Middle School from the Great Plains Region. Students were asked to explain ways in which their city of the future ensures the health and safety of its citizens.



And on February 17, NSPE hosted the 38th Federal Engineer of the Year Award ceremony at the National Press Club in D.C. We were honored to have Major General Timothy S. Green, P.E., Director of Civil Engineers, US Air Force, deliver the keynote address. We acknowledged 26 agency winners during the event, and Jennifer Bountry, P.E., with the U.S. Department of the Interior's Bureau of Reclamation, was

selected as the top federal engineer of the year. I encourage you to watch the highlight video of the ceremony and General Green's speech – it can be found on our [website](#) and [YouTube](#) channel.

Finally, it is with great sorrow and a most deep and profound sense of loss that we note the passing of NSPE Past President Bob Sylar on February 20th. Bob served as NSPE President with great distinction and dedication from 1998-1999 and has been a member of NSPE since 1968. He remained devoted to this Society and his beloved profession even after his retirement nearly two decades ago. NSPE has sent flowers and condolences to the family, made a contribution to his designated charity, and a proclamation from the NSPE Past Presidents Council is forthcoming.

And remember, you always have access to NSPE leadership resources in the [Leadership Toolbox](#). This includes [talking point](#) scripts and presentations for use by NSPE officers, board members, and other leaders during state visits, chapter meetings, or other venues to promote NSPE and its activities, updated on an at-least quarterly basis. Current board members can access an online library of board meeting materials (past, current and future) through the online board book site, ([BoardBookIt](#)).

If you want to review NSPE's history and how that has been translated into current plans with a future-focus, NSPE's purpose, mission, vision and a history of the *Race for Relevance* and the resulting Strategic Plan is summarized in a section called "[Who We Are and What We Do.](#)"