

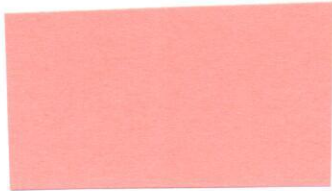


STATE OF IDAHO

BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

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February 18, 2011



Dear Mr. 

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At its meeting on February 7-9, 2011 the Board discussed the questions you posed in an email to Board Members John Howe, P.L.S., Gary L. Young, P.E./L.S. and others. The issue revolved around Idaho Code (IC) Section 55-1613 which states

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“55-1613.MONUMENTS DISTURBED BY CONSTRUCTION ACTIVITIES -- PROCEDURE -- REQUIREMENTS. When professional engineers prepare construction documents for projects which may disturb land survey monuments, a field search shall be conducted by, or under the direction of, a professional land surveyor to determine whether monuments, reference monuments or accessories to corners physically exist at the location of, or referencing the location of, public land survey corners, property controlling corners or property corners. Such monuments, reference monuments or accessories to corners shall be located and referenced by or under the direction of a professional land surveyor prior to the time when construction or other activities may disturb them. Such monuments, reference monuments or accessories to corners shall be reestablished and remonumented by, or under the direction of, a professional land surveyor at the expense of the agency or person causing such loss or disturbance. Professional engineers who prepare construction documents which do not indicate the existence of corners, monuments, reference monuments and accessories to corners shall be deemed to be within the purview of section 54-1220, Idaho Code, and shall be subject to disciplinary action as provided in said section. Any person shall be subject to the penalties prescribed in section 54-1234, Idaho Code, if they prepare construction documents for the construction of any facility which do not indicate the existence of monuments, reference monuments and accessories to corners and construction of that facility results in the defacing, injury or removal of monuments, reference monuments or accessories to corners.”

In particular, you said you had questions regarding the phrase “. . . a field search shall be conducted by, or under the direction of, a professional land surveyor to determine whether monuments, reference monuments or accessories to corners physically exist at the location of, or referencing the location of, public land survey corners, property

controlling corners or property corners.” Your questions are restated below (in some cases edited slightly) and the Board’s answers follow.

Question: What amount of research is adequate?

- a. To only research documents “of record” such as corner perpetuation records, records of survey, subdivision plats, and right of way plats.
- b. To include documents “not of record”, created by agencies such as Bureau of Land Management, Forest Service, Bureau of Reclamation, highway districts, cities, and old survey firm notes.

Answer: A search of all appropriate records, some of which are described in “a” above, must be performed. A search should also be made to find unrecorded surveys and other pertinent unrecorded documents. Highway districts and cities often have ties to older street centerline locations which deserve recognition. Railroad right-of-way monumentation is also of record in older plans.

IC 55-1613 says “field search”; therefore, a field search must also be done. The field search must be done to the level that the PLS in responsible charge is confident that all monuments of record have been located or that they have been determined to be lost. A search must be performed to that same level for monuments which are shown on unrecorded documents such as unrecorded surveys.

Question: Are monuments not conforming to code to be re-monumented?

- a. Monuments “not of record”, such as P-K nails, R/R spike, or uncapped rebar.

Answer: Many of the monument types listed in “a” above are shown on Records of Survey, which makes them monuments of record. Many of these “monuments” exist on the ground, and are not shown on Record of Surveys. Their perpetuation value depends on what they appear to represent, and that determination is part of the surveyor’s responsibility. A railroad spike which is proven to be at the perpetuated position of a GLO section corner or 1/4 section corner is as valid a position as if it were monumented in conformance with current *Manual of Surveying Instructions* standards.

If the monuments are at public land survey corners, the reconstruction or rehabilitation is covered in 55-1608. The proposed legislation which will be presented during this session of the Idaho Legislature (see House Bill No. 132) is copied below.

55-1608. Professional land surveyor to reconstruct monuments. In every case where a corner record of a survey corner is required to be filed or recorded under the provisions of this chapter, the professional land surveyor must reconstruct or rehabilitate the monument of such corner, and accessories to such corner.

Any monument set shall conform to the provisions of section 54-1227, Idaho Code and shall be surmounted with a cap of such material and size that can be permanently and legibly marked as prescribed by the manual of surveying instructions issued by the United States department of the interior, bureau of land management,

including the license number of the professional land surveyor responsible for placing the monument. Monuments shall be marked such that measurements between them may be made to the nearest one-tenth (0.1) foot. If the monument is set by a public officer, it shall be marked by an appropriate official designation.

When non-metallic corner monuments were set in a survey conducted by an agency of the United States government, the corner location shall be re-monumented with a monument conforming to the provisions of section 54-1227, Idaho Code and shall be surmounted with a cap of such material and size that can be permanently and legibly marked as prescribed by the manual of surveying instructions issued by the United States department of the interior, bureau of land management, including the license number of the professional land surveyor responsible for placing the monument. Monuments shall be marked such that measurements between them may be made to the nearest one-tenth (0.1) foot.

Question: Are disturbed corners to be re-monumented with the same “non-conforming” monument?

Answer: The Board previously answered a question about a Professional Land Surveyor’s duty regarding a pipe of unknown origin and without any known history, which was found during a survey and was going to be destroyed by construction. The Board’s opinion is as follows:

“After reviewing Idaho Code Title 55, Chapters 16 and 19, the Board expressed the opinion that you or any other PLS) have no **other** duty than to replace the pipe in its original location after the construction is completed.

Regardless of whether or not the pipe is a “monument” which by Idaho Code Section 55-1902 definition is at the exact position of a “corner” or a “Property corner”, as alleged by one property owner, no “. . . survey in conformity with established principles of land surveying . . .” (Idaho Code Section 55-1904) is being performed; therefore, no record of survey is required. Furthermore, unless this pipe is alleged to be a “public land survey corner” or an “accessory to such corner”, no corner record is required per Idaho Code Sections 55-1603 and 55-1604. It also appears clear from Idaho Code Section 55-1608 that only corners required to have a corner record filed on them have to be rehabilitated.”

The PLS in responsible charge must exercise their professional judgment regarding what the monuments that are not at public land survey corners represent and whether to replace them with a monument that complies with 54-1227 or replace the monument that was found.

The documentation on a Record of Survey of what type of monument was found and what type of monument was placed is essential to preserve these monuments.

Questions: What amount of time was intended for the field search to remain valid? The phrase in the law “. . . prior to the time when construction or other activities may disturb

them” is vague. Most ITD projects are designed years in advance. Should a second and/or final field search be done just prior to construction?

Answers: The answers to these questions depend upon the level of survey activity or probable monument disturbance in the project area since the original field search was conducted. In developing areas, records of survey, corner records and plats will have been filed. A records search will determine the necessity for the additional field search. The second records search should be mandatory. The probability that some monuments have been disturbed in the interim would not necessarily require a field survey. The presumption is that monuments disturbed in the interim should be replaced. The engineer in responsible charge of final plan preparation must correctly represent the monumentation to be preserved or replaced.

Question: Does the “field search” require “survey quality positions” on found monuments?

Answer: The monuments that may be destroyed by construction must be located by an accurate field survey so they can be replaced in the same position after construction, and so those positions are available to another surveyor if they need them after the monument is destroyed and prior to it’s replacement, i.e. during construction.

Question: Does the “name, monument type, and approximate location” of a monument shown graphically on construction plans or included as a bid item in a contract comply?

Answer: No. The monuments that may be destroyed by construction must be located by an accurate field survey so they can be replaced in the same position after construction, and so those positions are available to another surveyor if they need them after the monument is destroyed and prior to it’s replacement, i.e. during construction.

To insure that the Professional Engineers who are charged with the responsibility for implementing 55-1613, we are sending a copy of this letter to ACEC, ISPLS, and ISPE. Please share this with the appropriate engineers within ITD. We stand ready to participate in future stakeholders discussions and resolution of this matter.

Please call if you have any questions.

For the Board,

ORIGINAL SIGNED BY

Gary L. Young, P.E./L.S.
Board Chair