



Fostering Excellence in GIS

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July 22, 2014

Ms. Donna Moulder
Director
Board of Examiners for Land Surveyors
500 James Robertson Pkwy
Nashville, Tennessee 37243-1146
Donna.Moulder@tn.gov

RE: Scope of licensed practice for the surveying profession

Dear Ms. Moulder:

The Urban and Regional Information Systems Association (URISA) is a nonprofit organization serving professionals using geographic information systems (GIS) and other information technologies to solve challenging problems in state/provincial, regional, federal, and local government agencies, plus a wide range of private enterprises. With more than 50 years of activity, URISA is considered to be the premier organization for the use and integration of spatial information technology. As our tagline indicates, we promote the effective and ethical use of spatial data and information technologies.

Members of our Cumberland Chapter recently asked the URISA Board of Directors to provide input to your agency regarding potential changes to the scope of the regulated profession of surveying that may impact the ability of our non-registered members to practice in the State of Tennessee. This letter is provided in response to that request.

As we understand your current statutes, the "Practice of land surveying' means any service or work ... for the purpose of determining areas and volumes, for the monumentation of property boundaries and for the platting and layout of lands and subdivisions of land, ... and for the preparation and perpetuation of maps, records, plats, field notes, records and property descriptions that represent these surveys ..." (Tenn. Code Ann. §62-18-102(3)). We also note the limitation of liability related to the practice of surveying in Tenn. Code Ann. §28-3-114, which references the definition in §62-18-102(3) and further clarifies its connection to "the establishment or reestablishment of corners, boundaries, and locations of lots, parcels, tracts, or divisions of land, including distances, directions, and acreage, or fractional parts thereof; and also including, but not limited to, the correct determination and description of the same for the purpose of furnishing a legal description of any land surveyed to be used in deeds or other instruments or conveyances" These provisions are consistent with the model law created by the National Council of Examiners for Engineering and Surveying (NCEES), as it existed in 1969.

The applicable administrative rules, particularly Chapter 0820-03 governing the standards of practice, naturally reinforce these definitions by clarifying their application to survey plats and survey maps. These synonymous terms are defined as "an accurate graphical representation of a finite piece of surveyed property, including pertinent and important data and information pertaining to the surveyed

land” (see T.C.A. §0820-03-.03(3)). Subsequent sections describe the accuracy, content, and depiction requirements of survey plats and maps.

URISA strongly supports the use of licensed surveyors for the purposes noted in the existing definitions. Our members are bound by a Code of Ethics that requires them to undertake only that work for which they are qualified. As a reflection of this commitment, URISA participated with other spatial data associations when the NCEES model law and rules were last updated to refine the recommended statutory and rule language to further clarify the scope of licensed professional practice for surveyors. Included in this update was a rule section listing example activities that fall outside regulated practice (see *Model Rules*, § 210.25, Inclusions and Exclusions to the Practice of Surveying, at <http://ncees.org/about-ncees/publications>). The data collection activities of non-licensed persons, such as GIS professionals and practitioners, fall within the listed exceptions to regulated practice and their logical extensions.

The model NCEES language is consistent with a 2007 federal court ruling that found “It is also worth noting that the record unambiguously reflects that the provision of ‘mapping’ services in the modern marketplace includes a much broader scope of work than the traditional mapping work of land surveyors” (see *MAPPS et. al v. U.S.A.*, Civil Action No. 1:06cv378). The record to which the judge refers included the statement, “The GIS and computer mapping industry employs tens of thousands of researchers, software and data developers, hardware designers and manufacturers, educators, application service providers (ASPs), consultants, trainers, data collection technicians, geospatial data providers, computer scientists, planners, geographers, subject matter specialists, and sales and marketing personnel in the United States. The vast majority of personnel in the geospatial community are not licensed surveyors” (see *Affidavit of Douglas Richardson*, which was attached to the amicus brief filed by a consortium of geospatial associations in the above-cited case).

URISA understands and supports the role of surveyors and their interaction with members of other geospatial professions. Many of our members are both GIS professionals and licensed surveyors, including leaders at the national and local levels. We encourage you to involve URISA and our members should you ever feel the need to make changes to the scope of licensed surveying practice in the State of Tennessee. Please contact me if you need any additional information.

Sincerely,



Allen Ibaugh
President

cc: Cumberland Chapter of URISA
URISA Board of Directors
URISA Advocacy Division