

## Kellie Martinec

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**From:** rrcwebcontact@gmail.com  
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**To:** rulescoordinator  
**Subject:** Comment Form for Proposed Rulemakings



## Comments Form for Proposed Rulemakings

### Date Submitted

Wednesday, November 25, 2015 11:48:24 AM

### Submitted By

**James B. Gillis, Manager of Geomatics Services**

Dawson Geophysical Company, 508 West Wall St.  
Midland, TX 79701

Phone: 432-684-3000

Fax:

Email: [REDACTED]

I request my e-mail address remain confidential

## Amend §3.86 and other rules re: UFT fields

### Amend §3.86 and other rules re: UFT fields

We strongly support the proposed Rule Changes with one exception. Only Land Surveyors registered or licensed by the State of Texas have the legal authority to perform this type of work. In fact, Professional Engineers registered in accordance with Texas Occupations Code Chapter 1011 are precluded from engaging in survey work that deals with the determination of boundaries of real property.

Under proposed § 386 there are at least 13 references to the determination of areas, boundaries, surveys and mapping as defined in the proposed rules, which tasks are the sole responsibility of a Registered Professional Land Surveyor (RPLS) or a Licensed State Land Surveyor (LSLS) (a special class of land surveyor who is authorized to survey for the state),

As these works are clearly not engineering, but are relating to location of boundaries of real property and other interests in real property such as leases, pooled units, unitized tracts, etc. only an RPLS is qualified under the laws of the State of Texas, to survey and locate such interests. Unlike most other professionals, only an RPLS is

required, when conducting land surveys, to ensure that his survey is fair and impartial and does not infringe upon the interests of adjoining, and consequently has a fiducial responsibility to diligently conduct all of the necessary research and field work to ensure that this responsibility is not abrogated.

While it may be argued, (though not successfully), that a directional survey, (§ 386 (f) (3) Directional survey) is an engineering function, it is the relationship of the well bore as determined by that directional survey to the legal boundaries of leases, pooled units, unitized tracts, subdivisions, rights of way, parcels of land, and other interests in real property, that is to be located and depicted on these plats, and that directional survey can be easily and professionally incorporated into such plats as contemplated in this subsection when prepared by an RPLS.

Consequently, it is our opinion that all plats required by this subsection must be prepared and certified by, and only by, a Registered Professional Land Surveyor (RPLS).

Respectfully submitted by

James B Gillis, Past President  
Texas Society of Professional Surveyors

Railroad Commission of Texas | (877) 228-5740 | 1701 N. Congress, Austin, Texas 78701