

Kellie Martinec

From: David Rolbiecki <[REDACTED]>
Sent: Thursday, December 03, 2015 1:40 PM
To: rulescoordinator
Subject: Railroad Commission of Texas, proposed Rules regarding Platting
Attachments: 2009_act.pdf

Dear Rules Coordinator:

I am a Registered Professional Land Surveyor in the State of Texas and opposed to the proposed rule by the Railroad Commission of Texas in Section 3.86 Horizontal Drainage Wells, paragraph (g), (6) Plat Requirements, which states that all plats required in this section shall include a certification by a Registered Professional Land Surveyor or a Professional Engineer.

I would like to point out to you the Act in OCCUPATIONS CODE-CHAPTER 1071. LAND SURVEYORS-OCCUPATIONS CODE-TITLE 6. REGULATION OF ENGINEERING, ARCHITECTURE, LAND SURVEYING, AND RELATED PRACTICES-SUBTITLE C. REGULATION OF LAND SURVEYING AND RELATED PRACTICES-CHAPTER 1071. LAND SURVEYORS SUBCHAPTER A. GENERAL PROVISIONS-§ 1071.002. Definitions:

(4) "Land surveyor" means a registered professional land surveyor or licensed state land surveyor.

(5) "Licensed state land surveyor" means a surveyor licensed by the board to survey land in which the state or the permanent school fund has an interest or perform other original surveys for the purpose of filing field notes in the General Land Office.

(6) "Professional surveying" means the practice of land, boundary, or property surveying or other similar professional practices. The term includes:

(A) performing any service or work the adequate performance of which involves applying special knowledge of the principles of geodesy, mathematics, related applied and physical sciences, and relevant laws to the measurement or location of sites, points, lines, angles, elevations, natural features, and existing man-made works in the air, on the earth's surface, within underground workings, and on the beds of bodies of water to determine areas and volumes for:

(i) locating real property boundaries;

(ii) platting and laying out land and subdivisions of land; or

(iii) preparing and perpetuating maps, record plats, field note records, easements, and real property descriptions that represent those surveys; and

(B) consulting, investigating, evaluating, analyzing, planning, providing an expert surveying opinion or testimony, acquiring survey data, preparing technical reports and mapping to the extent those acts are performed in connection with acts described by this subdivision.

(7) "Registered professional land surveyor" means a person registered by the board as a registered professional land surveyor.

In my opinion, any person other than a Registered Professional Land Surveyor or Licensed State Land Surveyor performing any of the above-mentioned services is practicing professional land surveying without a license or registration from the Texas Board of Professional Land Surveying.

Very Respectfully,

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