



Institutional Affiliate of American
Congress on Surveying and
Mapping

The California Surveyor

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SPECIAL ISSUE

Due to the press of legislative matters and the importance of, very quickly, getting some pertinent information out to the members of the association, members of the profession and other readers of the California Surveyor, your regular July issue will be pushed ahead and included in the October issue. The July issue had been planned for about 16 pages, some of which is contained in this issue, so you can look forward to a large issue in the fall. It must be pointed out that this special issue contains only that news which it seemed would be particularly of interest to the readers at this time. It is hoped that the readers will appreciate the fact that, in the interest of best timing, it was the editor's decision to follow this policy.

ABSTRACT OF MINUTES

The California Land Surveyors Board of Directors meeting was called to order at the Tropicana Lodge, Fresno, at 10:30 AM April 12th, 1969, by President Schumacher.

The minutes of the February 27th meeting were accepted as corrected on page 3 (i. e., the motion that the Legislative Committee be directed to present the Association's proposal as soon as possible with such minor modifications as they feel desirable to accomplish the Association's goals was approved).

Old Business:

Resolution 69-20: To print Fact Sheet (Res. 69-7) in the July "California Surveyor" was approved by the Board.

Resolution 69-3 (Administrative & Fiscal Procedures) was approved by the Board.

Resolution 69-8 (Travel Expenses for Board of Directors) was tabled.

Chuck Wooldridge moved that the President, Secretary-Treasurer, Fiscal Committee and the Chairman of the involved committee be directed to authorize funds, at cost, for sending representatives to other groups to represent the Association. The approval of 3 of the 5 members will constitute approval. 2nd and approved.

The meeting was adjourned for junch at 12:10 PM, and reconvened at 1:15 PM.

Gene Lockton's Public Relation's Committee report was discussed at length. It was the concensus that Public Relations must be handled primarily at the Chapter level, thus it was determined that each chapter should have its own committee, with a state committee to coordinate ideas and endeavors. Gene is to be directed to organize a committee to be comprised of one member from each Chapter. He is also to establish guide-lines for the committee.

Earl Cross of the San Mateo/Santa Clara Chapter reported that at their last meeting Guest Speaker Frank Olrich, Administrative Aide in the 24th District, Santa Clara County, said, in connection with current legislative activities, that he thought the Association had acted wisely in its best interest in submitting the proposal at this time.

The proposed East Bay Chapter has submitted its Constitution and By-Laws to that committee and has been approved. A letter so stating was submitted by E. Robert Jacobson, Chairman of the Constitution and By-Laws Committee. The Chapter was approved by the Board.

Don Ward moved that a resolution be required for the acceptance of all Chapters and that a copy of said resolution be sent to the Chapters. Chuck Wooldridge amended the motion to state that the Constitution and By Laws Committee be directed to form such resolutions. 2nd and passed.

Ed Boris, President of the East Bay Chapter, introduced Ed Griffin as their representative to the Board. He also announced that the Chapter has 18 members.

It was moved that the Board commend Ed Boris for a great deal of work well done. Motion unanimously passed.

Ed Brois reported on the status of the lapel pins. He suggested that each chapter take orders from their members and forward to him. (Price - donation of \$5.00) George Colson moved that payment be authorized for Ed to order the first 100 lapel pins. Seconded and passed

Chuck Wooldridge pointed out that there is no provision for listings as "Land Surveyors" in the phone book yellow pages, nor is there a cross reference in the green pages.

Don Ward moved that the Public Relations Committee be directed to investigate reasons and report back to the Board. 2nd and passed.

Jim Dowden reported via letter that he received only one reply to his request for which week should be submitted for "Land Surveyors" Week. Marin County advised that they had requested Oct. 4th thru 11th. The Board so moved and approved.

It was further decided that in the future it would be advisable to have Land Surveyors Week during the week of May 20th each year, inasmuch as it is the anniversary of the adoption of the original land ordinance act in 1785. So moved and approved.

Chuck Wooldridge moved that the date of the 1971 and subsequent conventions be reconsidered to coincide with the May 20th date at the next Board meeting, instructing representatives to obtain suggestions of the various chapters. 2nd and approved.

It was recommended that the allowance of \$300, to cover partial expenses to the ACSM national meeting, be offered to Fresno State College as the beginning of a scholarship fund for a student in their new surveying course of 4 years which offers a Bachelor of Science. This would, of course, be done only with the approval of Ed Kulhan, who acted as the representative for the Association at the National meeting.

It was moved that the Secretary write a letter to Ed Kulhan indicating that the Board has authorized the expenditure of \$300 which would have been used for his transportation cost. If he would prefer to set up the beginning of a scholarship fund for Fresno State under the auspices of the CLSA for the benefit of a candidate in land surveying, the Board would appreciate his recommendations as to procedure. Seconded and approved.

The ACSM and ASP have requested proposals for the location of the 1974 Annual Convention. It was decided that the Secretary should direct letters to No. Calif. ACSM, So. Calif. ACSM, East Bay Council, and California Council offering those groups the Association's assistance in the event any one or combination decide to host the 1974 convention.

It was moved and approved that the Secretary should respond to the original request, stating that we are not in a position to host, but that we will assist in any way possible.

ACSM also wrote asking for material from affiliates for publication in the Journal. It was agreed to place the request in the "California Surveyor".

A motion was made that the next board of Directors meeting will be held at the Holiday Inn in Oakland, on July 12th, 1969 at 10AM. 2nd and passed.

The meeting was adjourned 3:25 PM.

Respectfully submitted,

George P. Colson
Secretary-Treasurer

GPC/fg
Encl.

P. S. THE PRESIDENT HAS DIRECTED THAT EACH AND EVERY CHAPTER AND COMMITTEE SHALL SUBMIT, IN WRITING, A REPORT AT EVERY BOARD OF DIRECTORS MEETING.

REASONS FOR LEGISLATION

The primary reason for the updating of the Land Surveyors Act which is being proposed by the California Land Surveyors Association is the same as the original reason for the Act itself - the protection of the public interest.

The California Land Surveyors Association is undertaking this revision because one of their basic aims as a professional association is to guard against the unqualified practicing land surveying. It has become apparent to most land surveyors in the past few years that there has been a gradual decrease in the amount of land surveying training and examination in the civil engineering profession to the point where it is now, for all practical purposes, non-existent. It has been publicly stated by a leading title attorney that the land surveying profession is the only profession in the State of California wherein 80 per cent of the persons practicing are unqualified. To understand how this situation has come about, we must review a little background.

It is commonly accepted that land surveying has been a recognized and necessary profession for many hundreds of years. What is not so commonly known is the area of knowledge in which the land surveying profession operates. In contrast to the more well known aspects of surveying such as subdivision work, construction surveying, road design, topographic mapping, and other surveying for engineering purposes, the other aspects of professional land surveying usually go relatively unnoticed. These areas are establishment of land boundaries, real property law, application of rules of evidence, deed descriptions and interpretation, land development and many others.

About the nineteenth century, civilian aspects of engineering brought about the growth of a new branch of the profession of engineering dealing with structures, dams, and other scientific, mathematical, physical and mechanical problems. This profession was called "civil" engineering, as opposed to purely "military" engineering. This did not, however, change in any way, the need for our citizens to hold title to and use real property. Neither did it change the need for a professionally skilled person

to analyze, compute, map and mark these holdings. But due to the fact that both professions used many of the same tools in their work - both mathematical and mechanical - the distinction between them began to blur.

Prior to the enactment of the original Land Surveyors Act in California in 1891, there was considerable confusion in dealing with land surveys and the conveyance of the public domain. This 1891 Act was entitled "An Act to Define the Duties of and to License Land Surveyors". Under this Land Surveyors Act, all persons performing land surveying were required to be qualified, examined, and licensed, regardless of any other profession or type of work they were engaged in. This was the only licensing act in this field in California for 38 years, until 1929.

Then, in 1929, when public recognition of the need caused the "Civil Engineers Act" to be enacted, all persons (including land surveyors) who showed qualification were "grandfathered in" and issued registrations as civil engineers. However, this Civil Engineers Act made specific reference that nothing contained therein would have any effect upon the Act of 1891. Later amendments attempted to define the areas in which civil engineers could practice surveying (1931), but this apparently blurred the picture even more. The inclusion of certain

categories of surveying into the Act was further confusing because only a Surveyor would recognize the distinction of the categories. The Act of 1891 still required surveyors to be licensed, but they had been "grandfathered in" as civil engineers by the Civil Engineers Act, so then it appeared that Registered Engineers could practice surveying without being separately licensed as Land Surveyors.

Originally, this caused no problem, since most of the original land surveyors were still practicing, and most civil engineering candidates were receiving training in the field of land surveying, both formal and practical. This fact, coupled with the overlapping areas of practice mentioned earlier, probably caused the amendment in 1939, which exempted civil engineers from the provisions of the Land Surveyors Act.

However, since about 1940, with the rapid advancements in the fields of the sciences and mathematics, there have been great pressures on the universities to squeeze new science-oriented courses into civil engineering curriculums. This has been accomplished by the elimination of the surveying subject matter. In particular, most

courses in the fields of legal surveys, title aspects, evidence, and other purely land surveying subjects. These trends have also been the subject of numerous studies, professional papers and conferences between engineering societies and educators, but nothing to solve the problem has yet been accomplished in California.

Those who did require training in land surveying found it necessary to obtain it elsewhere. Scientific training could still be obtained in the universities, but training in the measuring and mapping techniques, and particularly training in the legal and title aspects of land surveying was largely relegated to either the apprentice system or post-graduate study, or both. It is true that a very few curriculums are still available to the land surveyor, such as the 2-year surveying and mapping curriculum at City College of San Francisco. Also, a few post-graduate and extension courses at the University of California - which are avidly attended. And there are some excellent labor-management sponsored courses available in Southern California on a technical level. But, these courses are no longer mandatory for civil engineering students. And, since the legal principles of land surveying have become so complex, and since the mapping and measuring techniques have become so sophisticated, even these training methods are no longer satisfactory.

The condition that now exists is that the civil engineer who was exempted from testing and licensing under the Land Surveyors Act when he was educated, trained, and examined in land surveying, is still exempt today - when he is neither educated, trained, or comprehensively examined on the subject. A civil engineering student today can acquire his education in an approved college - containing no surveying subject matter whatever - work in the engineering field for two years, entirely exclusive of land surveying, become registered and practice land surveying within the law, with all the rights and privileges of a Land Surveyor. Thus, what training he does receive could very well be at the expense of the public. The Land Surveyor, to acquire this same right, must gain training and experience, in the land surveying field exclusively, for six years. At the end of this six years, the prospective land surveyor

has earned the right to take a full two-day examination - solely on land surveying - to demonstrate that he has acquired the minimum knowledge required to practice land surveying.

To summarize, the removal of the exemption of Civil Engineers from testing and licensing under the Land Surveyors Act would reverse the trend of the past 20 years, by accomplishing the following goals in the public interest:

One, it would require all those who wish to begin the practice of land surveying to show competency by passing the same land surveyor licensing examination which licensed land surveyors are now required to pass. All Registered Civil Engineers who can show qualification would be issued Land Surveyor's licenses. This would also simplify other problems of interpretation in the Land Surveyors Act.

Two, it would again create the demand in our educational institutions for the necessary courses in surveying and mapping, electronic and photogrammetric measuring techniques, legal and title principles, descriptions and boundary control, and other land surveying subjects. This is supported by many well-known educators in this field, and several four-year curriculums in land surveying have already been proposed. However, it has been stated by a leading California educator that there can never be a four-year land surveying curriculum until the civil engineering exemption is removed from the Land Surveyors Act. Without the demand thus created for the courses, the educational institutions cannot offer the programs.

- The Legislative Committee of the
California Land Surveyors Association

ASSEMBLY BILL 2296

The Land Surveyors Association legislation, Assembly Bill 2296, was introduced in the Assembly, April 8, 1969 by Assemblyman William T. Bagley. On April 10 it was referred to the Assembly Committee on Commerce and Public Utilities and sent to the committee on April 15. May 12, 1969 it came from the committee, with author's amendments, was amended and re-referred to C. & P. U. Committee, read second time and amended. May 16, re-referred to C. & P. U. Ray Peters, Joe Scherf and Jim Adams spoke in favor. Allan Burdick, County Supervisors Association and Don Wright, Legislative Council of Professional Engineers spoke against. The bill passed the committee with a recommendation of "do pass" and referred to Ways and Means. After being set for hearing on June 17 and June 24 and held over because of the budget hearings, AB 2296 is set for hearing in W. & M. Committee on the 1st of July or shortly thereafter.

It is felt that the reader would rather see the bill as it would look after being amended again in W. & M. and as it will come from the hearing. It follows in that form: 6731. Civil engineering embraces the following studies or activities in connection with fixed works for irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings, or bridges:

(a) The economics of, the use and design of, materials of construction and the determination of their physical qualities.

(b) The supervision of the construction of engineering structures.

(c) The investigation of the laws, phenomena and forces of nature.

(d) Appraisals or valuations.

(e) Either the preparation or the submission, or both, of designs, plans, and specifications and engineering reports.

Civil engineering also includes city and regional planning insofar as any of the above features are concerned therein.

6769. Any civil engineer registered pursuant to this chapter may apply for, and be issued, without examination, a license as a land surveyor, if he files an application with the board prior to the expiration of one year from and after the effective date of this section, and submits evidence satisfactory to the board that he is a citizen of the United States and that he has had four years or more of professional land surveying experience as defined in Section 8726 of this chapter. After making said application, a civil engineer practicing land surveying pursuant to Section 8726 may continue such practice of land surveying until the board accepts or denies his application for a license as a land surveyor.

8729. This chapter prohibits the practice of land surveying by any partnership, firm, company, association or corporation. However, nothing contained in this chapter shall prohibit one or more licensed land surveyors from practicing or offering to practice their profession through the medium of a partnership, firm, company, association or corporation if a land surveyor licensed pursuant to the provisions of this chapter is the partner, member or directing officer in charge of the land surveying practice of the partnership, firm, company, association or corporation and if all land surveying work and documents are done by or under the direct supervision of such licensed land surveyor. The firm or corporate name under which such a partnership, firm, company, association or corporation offers and does practice land surveying may be entirely fictitious or it may contain only the name or names of such licensed land surveyors, and registered civil engineers, living or dead, who are, or were when living, members of the firm or directors of the corporation. If the firm or corporate name contains the name of a living member or director of the firm or corporation, then it shall also contain the name of one member or director who is licensed to practice land surveying under the provisions of this chapter.

This chapter does not prevent or prohibit an individual, firm or corporation engaged in any line of business other than the practice of land surveying from employing a licensed land surveyor to perform land surveying services incidental to the business of such individual, firm or corporation.

The provisions of this section shall not prevent the use of the name of any partnership, firm, company, association or corporation in existence on June 1, 1941, provided all of the members or officers and directors thereof were on that date individually licensed as land surveyors pursuant to the provisions of this chapter or registered as civil engineers pursuant to the provisions of Chapter 7 of Division 3 of this code.

8731. A registered civil engineer and a civil engineer exempt from registration under Chapter 7 of Division 3 of this code are not required to be licensed under this act to perform surveys associated with fixed works, including but not limited to surveys for control, mapping, photogrammetry, and construction; provided that such surveys do not include property lines, boundary lines, rights of way, easements, or any survey to describe, locate, establish or perpetuate the ownership of land and its public record.

The above Sections 6731, 6769, 8729 and 8731 were the only sections involved in any amendments. The rest of the bill, consisting of Sections 8705, 8730, 8743, 8760, 8761, 8762, 8764.5, 8768, 8771, 8772, 8775, 8775.1, and 8780, concerns only the removal of references to registered civil engineers. AB 2296 is a good bill and has been well received by the Legislature.

Many letters, many telephone calls, many conferences and many committee meetings have taken place since the inception of this endeavor and many dollars have been expended. Meetings with the California State Department of Public Works and the subsequent agreement on the amendment of Section 8731 has completely removed the opposition of that agency and, it is presumed, the identical opposition of the League of California Cities and the County Supervisors Association of California. The California Land Surveyors Association has been accused of many things including the taking of a Non-compromise position and the fostering of professional protection, all of which have proven to be untrue. The bill, with these recent amendments, should pass on its own merits since, "The public purpose and need for the enactment of AB 2296 is to require professional land surveying to be done by professionally qualified land surveyors by requiring civil engineers (specially exempted since 1939) to meet the same standards."

ASSOCIATION LAPEL PINS

If you are proud of your membership in CLSA, buy a lapel pin and wear it. For the benefit of those who have not seen them, the pin is a beautiful replica of the official emblem of the Association, in white and gold. Send your order and a \$5.00 donation to Edward A. Boris, Jr. 561 Lebanon Street, Hayward, California 94541. Buy as many as you like.

1970 CONVENTION

Plan now to attend the Fourth Annual meeting of your Association February 27 and 28, 1970 in Santa Cruz at the brand new Holiday Inn. An interesting group of good speakers on controversial subjects is being arranged along with outstanding exhibits and fun time. Mark the dates on your calendar now; February 27 and 28.

SANTA BARBARA MEET

In Santa Barbara, October 10th and 11th you will attend one of the finest surveyors and mappers meetings ever. It will be hosted by the Northern and Southern California Sections, jointly, like last year at Carmel. The place is the "Francisco Torres", 6850 Colegio Road, Goleta, Calif. 93017 (Adjacent to the Campus of the University of California, Santa Barbara.) Start making your plans to attend now.