

HOOSIER SURVEYOR



QUARTERLY PUBLICATION OF THE
INDIANA SOCIETY OF
PROFESSIONAL LAND SURVEYORS, INC.

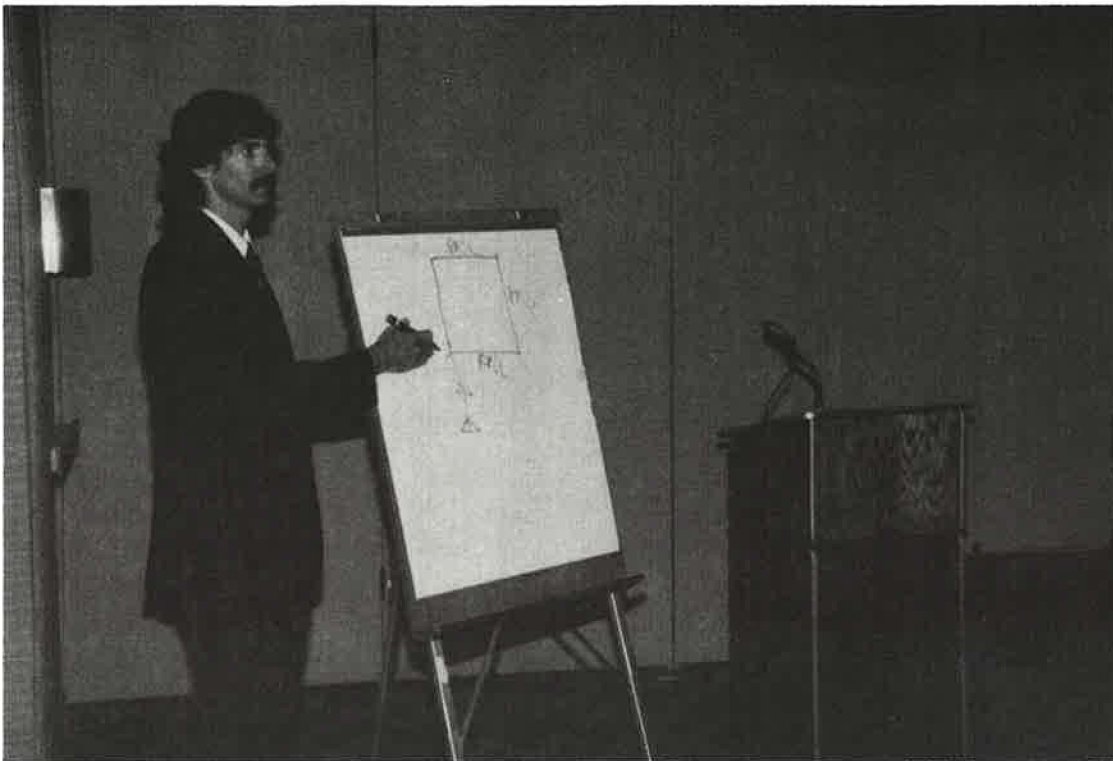
VOLUME 21
NUMBER 1
SUMMER 1994



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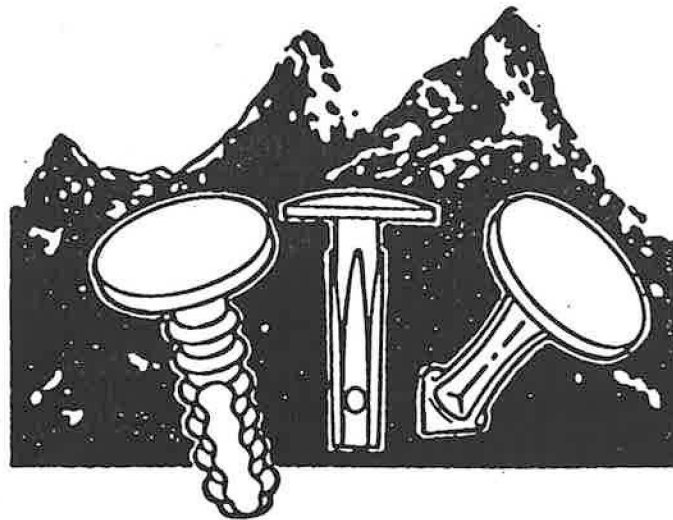
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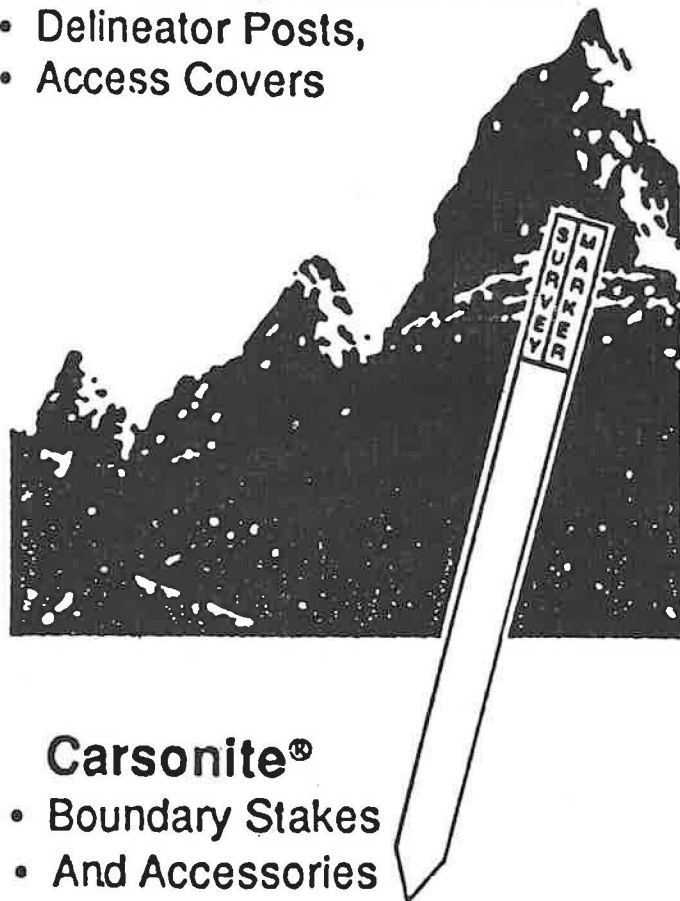
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PRESIDENT'S THOUGHTS

by Christian F. Marbach, PLS, Elkhart, IN



I would like to start this message with some old bad news that has apparently ended happily. As you may recall a person filed a complaint against ISPLS and others back in January of 1993 requesting damages "...for injury to his person, income, property, and reputation caused by the inten-

tional tortious and illegal conduct of ISPLS in attempting to destroy the practice of a licensed professional surveyor."

Your past President reported to you last fall that we had won the case. The Statue of Limitations and the fact that this case was not filed in a timely manner caused the case to be dismissed. Back in November the opposition filed a motion to correct errors and ISPLS filed a statement in opposition to the motion to correct errors and also filed an application for attorney's fees. Subsequently the opposition filed for an extension of time and it was granted to them.

On May 21st the Judge denied any further extensions, declared the case frivolous and awarded ISPLS attorney's fees of \$5250. The individual owes \$1250 and his attorney owes \$4000. They have signed a promissory note payable on or before September 1, 1994. This is good news for ISPLS and its membership. Hopefully, this will help deter any future cases. I'm offering a special thank you to our attorney Steve Hansell for "getting us through the case".

Next, I'll give you a quick update on the HARN, High Accuracy Reference Network. In June Mr. Love from NGS came to Indianapolis and met with the following group of people: Indiana Department of Transportation, Department of Natural Resources, Indiana Department of Environmental Management, ISPLS, Forest Service, and Purdue University. Several different funding options were discussed, as well as timeliness and NGS scheduling. Due to the fact that NGS has been ordered to update many airports across the country with GPS this year, the arrival of the HARN in Indiana may be delayed until 1996. Still much work remains to be done before NGS will even consider doing the GPS work in Indiana. All the monuments must be located and/or set and described.

The last topic for this message will be CONTINUING EDUCATION!!!! We have heard this term batted around for the last several years. Over the last couple of months I have been involved in a committee set up by the Board of Registration for Land Surveyors. As a committee we have discussed the topic for about 11 hours and have produced more questions than answers. This is not going to be an easy document to write.

In 1993, the Indiana LS Registration Act was amended by the state legislature to permit the board to adopt rules requiring continuing education "for renewals" by adding a section 7 to

chapter 8 "Renewal of Certificates" - IC 25-21.5-8-7 Sec. 7. If the board adopts such rules for continuing education the Act sets some guidelines that must be followed. Among other things cited in the amendment, the rules adopted MUST do the following:

1. Establish a fee of \$2.00 for each hour of continuing education required for renewal.
2. Require payment of the fee at the time of renewal of the land surveyor's certificate of registration.
3. Establish procedures for approving an organization that provides continuing education.
4. Require an organization that provides an approved continuing education program to supply the following information to the board not more than 30 days after the course is presented:

A) An alphabetical list of all land surveyors who attended the course.

B) A certified statement of the hours to be credited to each land surveyor.

The above paragraph sounds fairly straightforward but many problems and dilemmas exist including the following:

ISPLS's volunteer program was developed around a continuing education theme including professional development. Apparently the state program will not include professional development, as the enabling legislation did not include it. Personally I think it's a mistake to exclude it, but we may not have a choice at this point in time.

Next, how many "hours" of continuing education will be required for each two year renewal period? Thirty, twenty, fifteen, I've heard all of these numbers and others. My guess is the number will be between 24 and 30 hours for each renewal period.

How will we be able to get these "hours"? From colleges, universities, community or junior colleges, state or federal agencies and sponsors approved by the Board of Registration. Approved sponsors could be ISPLS, POB, a land surveying company, a qualified individual, teacher, author, and whoever else the Board grants approval. This document will probably define what are acceptable educational offerings and also what are not acceptable courses. It may even require a minimum number of mandatory classes for each renewal period.

Discussion on "carry over" have also taken place. If a surveyor gets more than the required number of "hours", will he be allowed to use them for his next renewal period? My guess is that he will probably be able to use at least some of the credits.

Finally, for all the surveyors who are registered in multiple states, Indiana must decide how to handle reciprocity for continuing education credits in other states.

These questions and many others are yet to be resolved. Take this opportunity to speak up and let me know how you feel about continuing education for land surveyors in the State of Indiana.

Henry Ford --- "Don't find fault. Find a remedy."

ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Dianne Bennett, Executive Director

The Board of Directors of the ISPLS held a meeting on March 26, 1994 at Purdue University, West Lafayette, Indiana.

The minutes and treasurer's report were reviewed and approved.

Bob Bigelow reported on the '95 convention and presented a proposed program for the convention.

There was discussion on the upcoming Rule 12 seminar, April 15th in Plymouth and the State Plane Coordinate Seminar, August 5th, in New Albany.

Ross Holloway reported on the ethics committee.

The following membership applications were presented and approved: Member - Donald Shapiro and Max Evans.

E.R. Gray reported on Purdue University Road School. "HARNS" was discussed at Road School regarding the establishment of the monuments. Considerable board discussion followed on "HARNS".

The GIS/LIS committee sent out a questionnaire on March 11th to members of ISPLS asking if their company or group of companies in their area would be interested in "Buying" a reference point.

Tony Gregory, chair Education Committee will be meeting with the Board of Registration on April 7th to discuss the continuing education program.

E.R. Gray reported that he would be attending the meeting for the Great Lakes Council and NSPS Governor at the upcoming ACSM Convention in Reno, Nevada.

Board members E.R. Gray, Ross Holloway, Doug Herendeen and Rick Miller will attend the NCEES Zone Reception Meeting on Thursday night, May 5th to welcome the attendees to Indianapolis May 21, 1994

The minutes and treasurer's report were reviewed and approved.

A motion was made and approved to purchase a TV/VCR unit and carrying case for use by the Society's Public Relations Committee.

A motion was made and approved to purchase a postage scale to go with the postage meter.

At the April 15th Rule 12 seminar there were 61 signed up with 59 attending. A list of the attendees has been sent to the Board of Registration.

The Finance Committee met on May 13th to prepare the 94/95 budget. The 94/95 budget was presented to the board and approved.

A fax switch has been installed at headquarters and you can now fax to ISPLS headquarters at any time.

The certificate presentation for new LS's was Friday, May 20th in the Government Center.

Stephanie Morse, CEI Executive Director, met with the Finance Committee on May 13th to discuss the QBS program.

Doug Herendeen reported that the 1996 Convention site would be the Holiday Inn at the airport, Indianapolis.

The following membership applications were presented and approved: Member - Wayne E. Moore; Junior - James D. Myers, Richard A. Vermillion and Gary T. Johnson.

E.R. Gray reported on the "HARN" survey that was sent out by the County Surveyors. Response is good across the state.

Chris Marbach reported on the meeting with the Registration Board regarding continuing education. One to two ISPLS members will work with the Board of Registration on this. E.R. Gray and Tony Gregory will be the ISPLS representatives.

After lengthy board discussion, a motion was made and approved to contribute \$500 as P.R. to the QBS program.

Ross Holloway will attend a meeting with the Indiana Constructor to discuss the "Prevailing Wage-- for Survey Crews" in regards to the Indiana Dept. of Labor's requirements to pay survey crews, which work on funded job, prevailing wage.

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RECENT LS LAW ENFORCEMENT IN OTHER STATES

Information taken from the NCEES Registration Bulletin, July 1994 Issue

Arizona:

A P.E. voluntarily surrendered his certificate and paid a fine up to \$1,000 for failing to apply technical knowledge/skill and improper signing/sealing of document.

An L.S. was fined \$1,000-\$2,000 for practicing on an expired certificate.

A dual registrant was fined up to \$1,000 for practicing on an expired certificate.

A P.E. was issued a voluntary cease and desist order and fined up to \$1,000 for failing to apply technical knowledge/skill and practicing on an expired certificate.

Arkansas:

An L.S. was fined up to \$3,000 for failing to comply with minimum technical standards and failing to comply with state survey standards.

A P.E. received a suspension for 6-12 months and fine up to \$3,000 for violating rules of professional conduct and gross negligence in affixing seal to inadequate design documents.

California:

An L.S. received a 6 month suspension stayed to three years probation, ordered to make restitution and correct plats for failing to use acceptable standards, use due care, comply with state survey standards, and comply with terms of contract.

A P.E. was ordered to make restitution and complete a seminar on technical competence, assessed costs of peer review, 6 months suspension stayed to 3 years' probation for negligence in failing to use due care and apply technical knowledge.

A P.E. was reprimanded, assessed hearing costs, 6 months suspension stayed to 24-30 months for misconduct in affixing seal to work done by others.

Florida L.S.:

An L.S. license was revoked and fined up to \$4,000 for failing to use acceptable standards, due care, comply with terms of contract, comply with minimum technical standards, filing a false certificate, corporation/firm offering services without authority, and violating board rules.

An L.S. was fined up to \$2,000 and reprimanded with indefinite suspension until completion of penalties for failing to provide requested information to the board, filing a false statement and violating board rules.

An L.S. was fined up to \$1,000, indefinite probation until penalties complete, ordered to correct plats and complete seminar on technical competence for failing to use acceptable standards, violating board rules, and fraud/deceit/misrepresentation relating to professional practice.

An L.S. was fined up to \$2,000, completion of seminar on technical competence, board/peer review of work and probation for 24-30 months for failing to comply with minimum technical standards, use due care, and violating board rules.

An L.S. was fined up to \$4,000 for failing to use due care, comply with technical standards and terms of contract, violating

board rules, and misrepresentation/fraud/deceit related to professional practice.

An L.S. was fined up to \$1,000, probation 24-30 months, ordered to complete seminar on technical competence, and board/peer review of work for failing to comply with technical standard and use due care, and violating board rules.

A corporate license was revoked for failing to report status changes, use acceptable standards, filing a false statement, violating board rules, and misrepresentation/fraud/deceit related to professional practice.

Iowa

A P.E. license was suspended for 12-18 months for incompetency and violating rules of professional conduct.

Kentucky

An L.S. voluntarily surrendered license due to incompetency and preparation of documents not meeting acceptable practice.

A dual registrant was suspended indefinitely pending completion of penalties with probation up to 24 months, must complete board study guide, and fined up to \$3,000 for gross negligence, violating board rules, aiding/abetting a non-registrant, and failing to comply with minimum technical standards for surveys.

An L.S. license was suspended pending completion of penalties with probation for 18-24 months, must pass written exam, and fined up to \$5,000 for gross negligence, incompetency, preparation of an erroneous plat, substandard practice, and preparation of documents not meeting acceptable standards.

A dual registrant received probation 18-24 months, fined up to \$4,000, and must complete board study guide for negligence, failure to use due care, and to comply with minimum standards.

An L.S. license was probated 18-24 months, fined up to \$4,000, and ordered to complete board study guide for failing to comply with minimum technical standards and failure to use due care.

Three non-registrants were issued cease and desist orders for offering land surveying services.

North Carolina:

A P.E.'s practice was restricted due to disciplinary action taken by another state.

A P.E. was reprimanded for affixing seal to work not done under direct supervision.

A P.E.'s license was not renewed due to disciplinary action taken in another state.

South Carolina:

Two non-registrants were reprimanded and fined up to \$1,000 for offering engineering services.

A firm was reprimanded and fined up to \$1,000 for offering services without certificate of authenticity.

An L.S. was reprimanded, suspended 6-12 months and probated 4-5 years for misconduct, non-felony involving fraud or intent to deceive, corporation offering services without certificate of authenticity.

...continued page 5

SURVEY TECHNICIAN LEVEL IV CERTIFICATION

The National Society of Professional Surveyors (NSPS), a member organization of the American Congress on Surveying & Mapping (ACSM) sponsors a comprehensive national certification program for survey technicians. The program is recognized by the U.S. Department of Labor as part of the National Apprenticeship Program. The Survey Technician Certification Board (STCB), which administers this program, recognizes the importance of technicians to the surveying and mapping profession.

After several years of preparation, the first examination of the Level IV Survey Technician Certification for Chief of Parties and Office Manager is available. Validation examinations were given in February 1994. The result of the validation have been reviewed by the STCB. Revisions have been made and Level IV examinations will be offered nationwide beginning immediately.

Level IV differs from Level III primarily in the degree of independent judgment, communication, and managerial tasks/skills expected. Therefore, the testing for this level differs significantly in format and content from the other three levels.

The test is in a "take home/open book" format and will consist of two or more essay questions which will be sent to the individual. The examination will be given one month to complete the examination and return it to the STCB. The responses must be typed in report form with copies of complete supporting documentation and have an affidavit that the exam was completed by the examinee. Level IV will be offered twice a year. Passing the Level III examination will be a requirement for sitting for Level IV.

The STCB is composed of Chairman Robert G. Moynihan (NH), Secretary M. Patricia Hutchison (NC), Ronald L. Torrence (WA), and Steve W. Wright (NY).

Additional information may be obtained by writing to NSPS-ACSM Survey Tech, 5410 Grosvenor Lane, Suite 100, Bethesda, Maryland 20814.

LS LAW ENFORCEMENT

...continued from page 4

of authenticity, failure to provide information requested by the board, and failure to comply with state survey standards.

A P.E. was reprimanded, fined up to \$1,000, license suspended until penalties met and then probated 6-12 months due to misconduct and affixing seal to work not done under supervision.

A P.E. was reprimanded and fined up to \$1,000 for practicing on an expired certificate.

A non-registrant was reprimanded and fined up to \$1,000 for offering engineering services.

An L.S. voluntarily surrendered license due to misconduct, failure to use due care, preparation of an erroneous plat, and failing to comply with state standards.

A dual registrant was reprimanded and fined up to \$3,000 for misconduct.

Utah:

A P.E. license was probated due to disciplinary action taken in another state.

Washington:

An L.S. must complete a board study guide and correct plats with license suspended 18-24 months, and fined up to \$1,000 for failing to provide information requested by the board, comply with terms of previous disciplinary action and comply with state standards, and practicing on an expired certificate.

A dual registrant's licenses were suspended indefinitely, board/peer review, completion of study guide and fined up to \$1,000 for filing a false certificate and fraud/deceit/misrepresentation.

An L.S. was fined up to \$1,000, must correct plats, board/peer review, stayed suspension for failing to use due care and preparation of an incomplete/insufficient plat.

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THE SURVEYOR'S ROLE IN THE GEOGRAPHIC INFORMATION REVOLUTION

By David W. Gibson

Introduction

The geographic information revolution is in its infancy. Surveyors have somewhat felt that it is passing them by, but in reality, there will be many opportunities for surveyors involvement and leadership. Someone with a surveying background has perhaps the best knowledge base for making the many intricate decisions related to the graphic side of a GIS development project. Various recommendations will be made to further surveyor involvement.

Learn How to Survey to the Nearest Five Feet Accuracy

Part of the apparent separation of the surveying community from GIS deals with accuracy and methodology. One surveyor, when contemplating involvement in a GIS project, said that he could easily survey to the hundredth, but doesn't know how to survey to the accuracy levels required for GIS - from one to five feet in state plane coordinates.

Within the board collection of all people who deal with spatial relationships, surveyors see the world from a "micro" view. We worry about millimeters and hundredths for applications such as land development, land parcels, and construction. These applications are so prevalent, that tools and methods that support them have become dominant in most surveyors' scope of abilities, almost to the exclusion of other methods of determining positions.

Others involved with GIS, such as geographers, see the world from the "macro" point of view. They are looking at issues such as regional planning for which positions within 50 feet of true are sufficient. For this work, other methods of positioning are employed, usually relying on existing maps that must be converted to digital.

Between these extremes are other accuracy levels, each of which is equally valid -- for its application. For example, cadastral mapping for the GIS parcel layer requires accuracies on the order of two to five feet in state plane coordinates.

Such multiple views of positional accuracy has caused surveyors who insist on full survey accuracies for GIS to be somewhat excluded from discussions. To participate, we need to be thinking of how to survey to the "nearest five feet". One astute thinker said that surveying is the art and science of determining positions and measurements with the greatest allowable error. Translating this into GIS, surveyors can fully participate in the process of "warping an existing map into quad sheet control" if the resulting accuracies are sufficient. It is far better that surveyors do this than others because of their lifelong experiences of rectifying geometric issues. There is a general knowledge base that surveyors have in geometric rectification that is currently being grossly under-utilized in GIS.

Encourage Public Sector Surveying

Another cause for small surveyor involvement in GIS is due to the dominance of private sector surveying activity. GIS

is a public sector phenomena, taking place mainly at counties with lesser activity in cities, regional, state and federal agencies. Coming into the present time period, we need to shift our professional attention from private sector services to public sector practice -- to retain the private consultant's strong role, but to add the public sector surveying counterpart.

Each county should have a public employee with surveying credentials that oversees surveying and mapping issues. This person, whether they are called county surveyor, chief of surveying, or mapping coordinator is needed at the present time to guide GIS development. Land development by itself led to county/city surveyor positions in only a fraction of our larger and more rapidly developing metropolitan areas. GIS, as a new application of surveying and mapping knowledge, should be cause enough to extend surveying positions to most of our counties along with cities and regional agencies. A greatest professional advance in the profession will take place in the public sector in coming decades. This process needs to be encouraged and supported.

Therefore, if a surveyor would really wish to get into GIS, the two recommendations discussed above give guidance: (1) pay attention to methods of surveying and mapping that give accuracies needed by GIS, and (2) seek employment in the public sector. Survey consultants may be able to do well at providing some outside services, but only public survey and mapping professionals will be able to bring the full advantages of surveying and mapping knowledge to GIS. There are many challenging positions opening up daily that need surveyor input.

Opportunities for GIS Involvement by Existing Organizations

Short of radically changing careers midstream, many surveyors wonder how they can participate with their organization's current equipment and personnel profile. Several suggestions can be made that apply equally well to private surveyors and those in government circles that are not currently involved in GIS.

Switch from Relative Position Surveys to Absolute Position Surveys.

In many parts of our state, geodetic control is near at hand but largely unused in daily survey operations. The resulting survey -- boundary, route, topographic, or construction -- is a unit within itself where each feature is precisely measured relative to other projects points. Once finished, the project records end up in three places: (1) field notes, (2) drawing, and (3) computer files. To have opportunity in GIS, these projects should today be expressed in absolute positions on a geodetic coordinate system. The resulting data will accumulate and will be of more value.

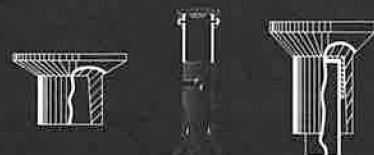
Surveyors who begin to perform all surveys in absolute coordinates today will find many avenues for marketing that data in the future. Cadastral mappers, those who are developing digital versions of county-wide parcel maps, must work in absolute coordinate positions. Their task of fitting all parcels together gives a much different viewpoint than of the surveyor who performs one tract survey after the other. The merging of parcel information between public and private sectors will require coordinate expression. Governmental units should

...continued Page 9

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POWER ON THE PROPERTY LINE

Can a power line on an adjoining tract create a prescriptive easement on the lot you are surveying? "The New Mexico Court of Appeals says yes. "Here's what happened.

The power company constructed a power line in 1974 very close to the lot line, but none of the policies were actually on the subject lot. They did not obtain a written easement. The plaintiff bought the lot in 1986 to build a house. They obtained a building permit and were all ready to go when the power company told them that they claimed a thirty foot easement, centered on the property line which would thus include fifteen feet of their lot. The line was only a single phase line, but they said they had plans to enlarge it. This would make the lot unusable, and the owner sued.

The trial court held that the power company did not have prescriptive easement because there was no open or visible use over the plaintiff's land and they could not have reasonably known of the extent of the claimed easement. Then the judge went further and found that a three or three and a half foot easement was needed from the lot for the safe operation of the line, so he ordered the power company to tear down the line. In other words, the property owner came home with all the marbles. (Since the power company has the power of eminent domain, we can infer that the actual result would be the payment to the lot owner for the decrease in value of the lot caused by the easement.)

But the power company got that reversed. They clearly had a prescriptive easement under the line where their poles were located, but the high court said that they also have a secondary prescriptive easement over that portion of the lot which is necessary to maintain and repair the line. The trial court was directed to determine the width.

You have always known that you have a very important responsibility to detect and report any evidence of any adverse use on the tract you are surveying; a path, a pipe line, power poles, etc. But now you need to show on your plat any such use close enough to the property line which could possibly create a secondary easement on your tract. As with any adverse use, you do not have to decide whether a prescriptive right actually exists, but you do have to tell the world that it might.

The case is Cunningham v. Otero County Electric Cooperative. It is too new to have a book and page citation. "From Newsletter March-April, 1993 New Mexico Professional Surveyor.

...reprinted from the Treasure State Surveyor, Vol XXIII, Issue II.

**HAVE YOU PAID YOUR
 1994/1995 DUES??
 IF NOT, THIS WILL BE YOUR LAST
 ISSUE OF THE HOOSIER SURVEYOR!!!**

SURVEYOR'S ROLE

...continued from Page 7

construction, right-of-way, and acquisition survey contracts to require absolute coordinate expression.

Propose a Geodetic Mark Recovery Project

Each county will need recovery of its geodetic marks. Many of these have not been used in the past 50 years. Counties may be convinced to start now with a recovery project in advance of GIS.

Propose a Geodetic Densification Project

After recovery of existing marks, further geodetic control should be established by GPS to 3 or 6 mile spacing. Instead of buying GPS equipment, team up with an existing consultant.

Propose a Coordinated Land Corner Program

Eventually all points being used as PLSS corners will need accurately surveyed coordinates. Instead of proposing a true GLO retracement, it's better to measure positions of currently used points.

Propose a "Map Conversion" Project

For GIS, existing maps -- parcel, utility, soil, zoning -- must be converted from graphical to digital with resulting features being rectified to state plane coordinates. Additional hardware and software will be needed such as a large-format digitizer for manual digitizing and a widely used GIS software set such as PC Arc/Info. Some are currently developing scanners as hardware devices for digitizing with greater cost efficiency.

Propose a COGO-Development Project

COGO has its place in GIS -- mainly for key features that have quality archival geometric data such as road baselines, road right-of-way lines, the exteriors of existing subdivision tracts, and in some cases subdivision lots. These procedures mainly support the GIS parcel layer, the cadastral map. Our university research has shown that COGO techniques can efficiently develop road rights-of-way without relying on the graphical map conversion with good accuracy. The DOT district could have an ongoing project of developing state plane coordinate files of its state and federal road system -- centerline, and right-of-way. County offices could do likewise with their road systems. Private survey consultants can easily perform this work.

Involvement In GIS Through Everyday Survey Activity

The future also holds other forms of GIS involvement for surveyors. There is a growing "need to know" within GIS projects for various forms of information currently being developed by surveyors at the parcel and project level. Instead of burying the resulting spatial relationships in field books, graphical maps, and COGO files, there will be pressure to bring certain things into the public sector to assist with GIS.

Assist With Development of an Accepted Digital Data Structure

For many different organizations to share data, there must be a commonly used structure of data definitions and file structures. We at the university along with others across the nation are currently working at developing these structures and procedures for sharing data.

As an example, consider the need for a "cadastral" layer that is automatically built into your AutoCAD system. Certain classes of data, those that may be shared with the public sector without significant liability exposure, should be automatically placed in a

"public sector" AutoCAD layer while a private-sector project is being performed.

The larger view of this problem looks toward relational data bases consisting of related tables of data. Software sets such as Oracle and Informix are now prevalent in many areas of society. They should also be used in surveying to keep information in digital form -- along to a recognized data structure -- to enhance the data's usability and marketability in the future.

Survey Recordation

Many are talking of a survey recordation act to require all surveyors to file copies of surveys for public review. This information would then be open to GIS projects for use in cadastral map development. If the profession does not do this, it may be forced on surveyors by public bodies.

The Public Records Law

Perhaps this state law, FS Ch 116, could be changed to give some protection to boundary survey information given to assist GIS project development. Many other policy questions will require work. These are only two examples which would further surveyor involvement in GIS.

Summary

With a small amount of changed focus on the part of the surveyor, additional surveyor representation in public agencies, and serious addressing of policy issues, the surveyor should be squarely in the middle of GIS in the future.

David W. Gibson is an Associate Professor and Program Director, Surveying and Mapping, University of Florida, Gainesville, FL 32611

Re-printed from Plumb Lines, Florida Society of Professional Surveyors, Newsletter, July 1992

NEW REGISTERED LAND SURVEYORS IN INDIANA

The Indiana State Board of Registration for Land Surveyors held the certificate presentation for Professional Land Surveyors on Friday, May 20th, 1994. The ceremonies were held at the Government Center South Auditorium, Indianapolis. The following land surveyors were awarded with certificates.

Philip D. Going	Greenfield, IN	29400003
Glenn H. Kracht	Crown Point, IN	29400001
Wesley J. Meyers	Champaign, IL	29400004
Charles A. Peoni	Indianapolis, IN	29400002
Paul A. Thomson	Rosemont, IL	29400005
Robert F. Weaver	Elkhart, IN	29400000

ISPLS WORKSHOP JUNE 10, 1994
 "THE PRACTICAL APPLICATION OF RULE 12"
 by Mike Crawford, editor

On June 10, 1994 the second meeting of the ISPLS seminar, "The Practical Application of Rule 12", was held in Indianapolis at the Holiday Inn East. The seminar used a format similar to the one held in Plymouth on April 15th.

The morning session was a presentation by Gary Kent. He covered such topics as: Property Surveys Affected, Theoretical Uncertainty, Publication of Results, Monumentation Requirements, Original Survey Descriptions, Surveyor Location Reports, and Route Surveys.

Among specific subjects addressed, Gary pointed out that recertification was covered by IAC 1-12-5. In this section specific conditions are listed in which recertification would be appropriate. Also specific language is given which must appear in the recertification.

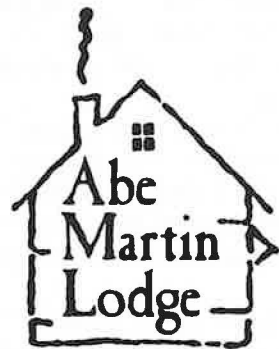
Failure to address "Theory of Location" (how did you do the survey, what was found, etc.) was noted as the most common issue which brings a surveyor before the Board.

The afternoon session consisted of a panel discussion. Serving on the panel were: Mike DeBoy, Ross Holloway, Jeff Meyerrose, Rick Miller, and Gary Kent. Each member presented examples of different types of surveys performed by his firm. These included everything from Surveyor Location Reports to Land Title Surveys to Route Surveys. They presented the "theory of location" for the surveys and the decisions they made in relationship to Rule 12. Then they opened the floor for comments and questions. The discussions which occurred between the panel and the seminar participants was valuable to all present.

A final presentation of "The Practical Application of Rule 12" will take place on September 30, 1994 at Brown County State Park in Nashville, Indiana.

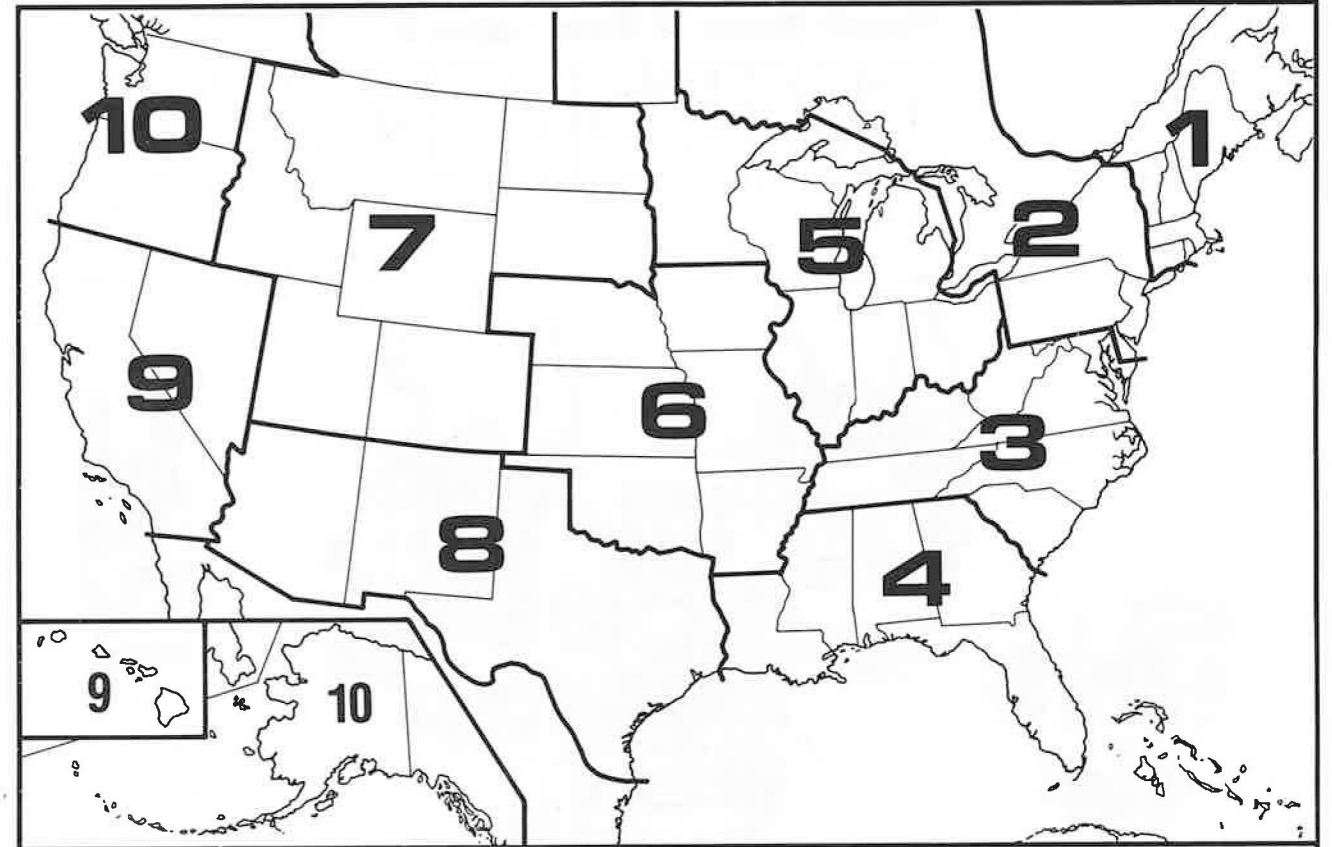
If you are planning on attending the September 30th workshop and are planning on staying overnight you need to make your room reservations by September 1st to be guaranteed a room. Be sure and mention that you are attending the ISPLS workshop. There are a limited number of rooms available.

For room reservations call:
 Abe Martin Lodge
 Brown County State Park
 Nashville, Indiana
 (812) 988-4418



Panel members left to right, Mike DeBoy, Ross Holloway, Gary Kent, Jeff Meyerrose, and Rick Miller.

National Society of Professional Surveyors
 CALL FOR NOMINATIONS



The 1995 Nominations Committee invites you to assist the NSPS by suggesting individuals for the following elected positions:

- President
- President-Elect
- Vice President
- Secretary-Treasurer
- Area One Director
- Area Four Director
- Area Ten Director

The name, address, and phone number of the NSPS member should be forwarded to Pat Canfield and **must be received by September 1, 1994.**

Requests for additional information should be directed to:

James F. Boyer Nominations Committee Chair 4501 Idumea Road Corryton, TN 37721 (615) 933-3571	Pat Canfield NSPS Coordinator 5410 Grosvenor Lane Bethesda, MD 20814 (301) 493-0200
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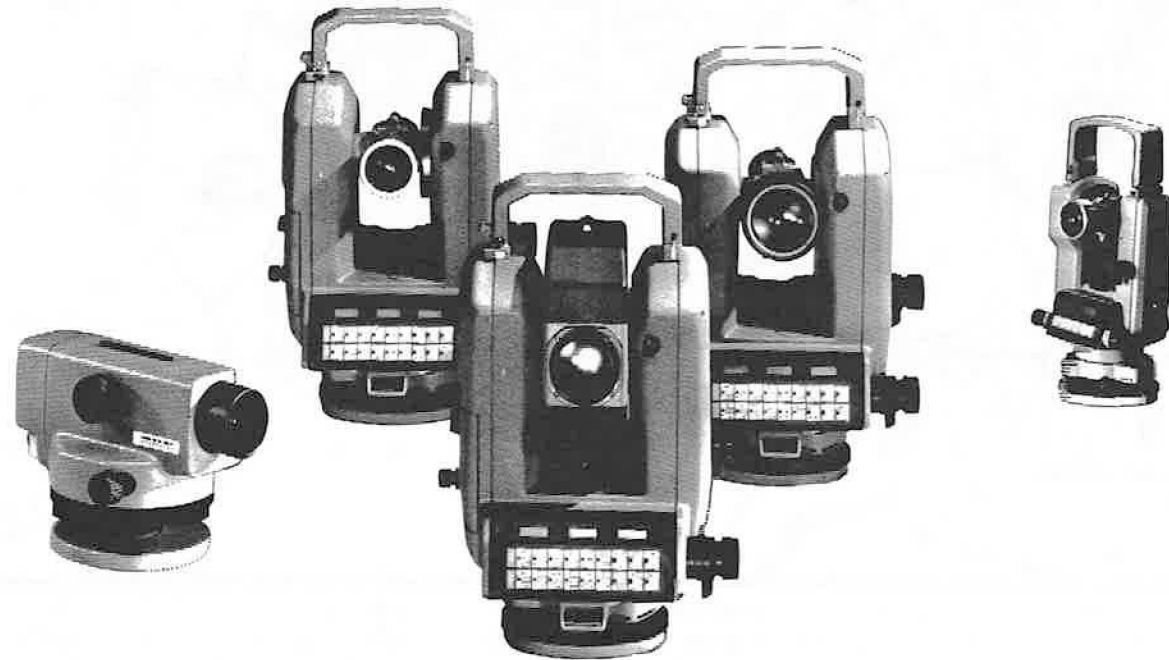
Area representatives to the Nominations Committee are:

Area One: Karl Olson, (207) 563-1500 • **Area Two:** Robert R. Prescott, (716) 274-7694 • **Area Three:** Al L. Matherly, (502) 452-1545 • **Area Four:** M. Greg Johnson, (404) 526-4902 • **Area Five:** Harold S. Charlier, (414) 549-1533 • **Area Six:** Jim Scott, (501) 895-2747 • **Area Seven:** Herbert W. Stoughton, (307) 775-2459 • **Area Eight:** James R. Cristea, (602) 350-8417 • **Area Nine:** Dennis Y. Yamasato, (808) 836-1451 • **Area Ten:** Melvin F. Garland, (206) 631-9814.



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SURVEYORS HISTORICAL SOCIETY NEWS

LINCOLN: LOGS TO LOGARITHMS

by Neil Koos, RPLS

No stranger to manual labor, Abraham Lincoln worked as a rail splitter, mill hand, farm laborer, store keeper, and corn husker; also postmaster, militiaman, appraiser, election clerk, surveyor, lawyer, humorist, politician and President.

When William Berry, a former partner, died on short notice, he left Lincoln in debt, due to joint obligations, in the amount of \$1,100. Lincoln scaled down his study of law books and in the fall of 1833 (at age 24) "entered into the most technical and responsible work he had known. John Calhoun, County surveyor of Sangamon County, Illinois had more work than he could handle and appointed Lincoln to mark farm sections, roads and towns, Lincoln procured a compass and chain, then for six weeks, day and night he had his head deep in Gibson's Theory and Practice of Surveying and Flint's Treatise on Geometry, Trigonometry and Rectangular Surveying. From decimal fractions one book ran on into logarithms, the use of mathematical instruments, operating the chain, circumferentor, surveying by intersections, changing the scale of maps, leveling, methods of mensuration of areas."

"Some nights he worked alone 'til daylight and it wore him down. He was so fagged that his friends said he looked like a hard drinker after a two week's binge."

"In six weeks he had mastered his books and went to work. The open air and sun helped as he worked in field and timberland with compass and chain. His pay was \$2.50 for a quarter section, \$2 for half a quarter, 25 cents to 37 1/2 cents for a small town lots. He

surveyed the towns of Petersburg, Bath, New Boston, Albany, Huron and others. He surveyed roads, school sections, pieces of farm land from four acres to 160 acres. His surveys became known for care and accuracy and he was called on to settle boundary disputes."

"In Petersburg, however, he laid out one street crooked. If he had run it straight it would have put the house of Jemima Elmore and her family into the street. Lincoln knew her to be working a small farm with her children and she was the widow of Private Travece Elmore honorable in the service in Lincoln's company in the Black Hawk Wars."

"For his surveying trips he bought a horse, saddle and bridle for \$57.86 and in April, 1834 Watkins, the seller, got judgment in court and levied on Lincoln's personal possessions. It looked as if he would lose his surveying instruments when Bill Greene showed up and turned in a horse on the Watkins' judgment and James Short came to the auction, that Lincoln was too sad to attend, and bid in the saddle, bridle, compass and other surveying instruments and gave them back to Lincoln."

Lincoln's true love was law and politics but said his surveying "produced bread and kept body and soul together." The rest is history.

Reference: Carl Sandburg's Abraham Lincoln, The Prairie Years Reprinted from The Texas Surveyor, February 1993



Complete and mail this APPLICATION and indicated Annual Dues (US Funds) to:

SURVEYORS HISTORICAL SOCIETY- 300 W. High Street, Suite 2, Lawrenceburg, IN 47025

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- access to society and member-owned book collections

NSPS NOTICE OF AWARDS

The National Society of Professional Surveyors
Sponsors four 1995 awards for excellence in the
surveying profession.

SURVEYING EXCELLENCE AWARD

Staff Liaison: Pat Canfield ■ ACSM/NSPS, 5410 Grosvenor Lane, Bethesda, MD 20814-2122

Presented to a person who performed outstanding service to the surveying profession, this award includes an engraved plaque and a \$500 honorarium contributed by POB Publishing Co., Canton, Michigan.

The person does not have to be a surveyor or a member of NSPS or ACSM, but candidates must be nominated for the award by an ACSM affiliate section or two NSPS members at large. If nominated by an ACSM section or affiliate, the nomination must be signed by two officers of the organization. If nominated by two NSPS members at large, the nomination must be signed by the sponsors and accompanied by four letters of recommendation.

Each nomination must include a narrative stating the reasons why the sponsors feel the nominee is deserving of this honor, specific accomplishments the nominee has made toward the profession and biographical data that can be used in the award presentation.

The staff liaison must be notified of any nomination by December 1, 1994.

MOST INTERESTING SURVEYING PROJECT OF THE YEAR AWARD

Staff Liaison: Pat Canfield ■ ACSM/NSPS, 5410 Grosvenor Lane, Bethesda, MD 20814-2122

This award consisting of a Pentax IQZoom 105 Super 35mm camera with case, a plaque, and 1000 reprints of the resulting published article contributed by Pentax Corporation, Englewood, Colorado, is presented to individuals, companies, governmental units, or state associations having knowledge of interesting projects and the ability to provide documentation of the project—technical information, releases, photographs, and a record of the personnel and equipment involved. The project need not have occurred in the last year.

Interested candidates should submit a project by December 1, 1994 to P.O.B., Attn: Most Interesting Surveying Project, 5820 Lilly Road, #5, Canton, MI 48187.

STUDENT PROJECT OF THE YEAR AWARD

Staff Liaison: Pat Canfield ■ ACSM/NSPS, 5410 Grosvenor Lane, Bethesda, MD 20814-2122

This award consists of a plaque and a \$500 honorarium, contributed by C&G Software Systems, Inc., Atlanta, Georgia, as well as paid travel and lodging expenses to the ACSM-ASPRS Spring Convention.

A submitted paper should describe a project in which the applicant was a participant and may involve a group of students and/or non-students. The paper must be written by one person only. Advice and constructive criticism from the applicants' instructor or supervisor is permissible and encouraged. The project need not have occurred within the preceding 12 months. All papers submitted will be considered for presentation and publication by ACSM. Specifications for the format of the manuscript can be acquired from the staff liaison.

Completed papers should be submitted to the staff liaison by December 1, 1994.

EXCELLENCE IN PROFESSIONAL JOURNALISM

Chairperson: Kenneth S. Curtis ■ 2204 Happy Hollow Road, West Lafayette, IN 47906

An engraved plaque is presented annually to the ACSM affiliate society whose newsletter was judged to have the highest quality during the previous year. In the past, judging was made by the editors or publications chairmen of the newsletters participating in the contest. Any editor wishing to participate should contact the chairman for information.

NSPS GOVERNOR'S REPORT Nationwide Highlights

by E.R. Gray III, PLS, Columbus, IN

ALASKA

Sixteen Alaska Society of Professional Land Surveyors (ASPLS) members donated a weekend of time to participate in a workshop to develop a fair exam on the state of Alaska portion of the LS exam.

Alaska is discussing making the LS licensing board independent from the state. Present board funds have been withheld to the point that the Board cannot function.

ASPLS sells the newly updated Standards of Practice for \$50 a copy.

ASPLS are working on 5 year goals for the society.

ARIZONA

Legislation has been introduced that will allow the State Board of Registration to levy fines against non-registrants who are found in violation of State Board rules.

Membership in the Arizona Professional Land Surveyors has grown from 287 members in 1989 to 436 members in 1994.

FLORIDA

Florida Society of Professional Surveyors (FSPLS) presently has 897 members. FSPLS sponsors a statewide Trig-Star competition.

IDAHO

The Idaho Association of Land Surveyors is pursuing a legislative change to allow the Board of Registration to implement continuing education standards.

ILLINOIS

The Public Information and Marketing Committee of the Illinois Professional Land Surveyors is having a professional video made for release in the fall of 1994.

KANSAS

The Kansas Society of Land Surveyors is pursuing mandatory professional development.

LOUISIANA

The Louisiana Society of Professional Surveyors (LSPS) are commencing a study of mandatory continuing education.

LSPS sponsors a statewide Trig-Star competition.

MAINE

The Maine Society of Land Surveyors recently established a lobbying fund and transferred \$5,000 from surplus funds into it.

MARYLAND

The Maryland Society of Surveyors is proposing mandatory continuing education.

MASSACHUSETTS

The Massachusetts Association of Land Surveyors and Civil Engineers, Inc. is supporting legislation to give the Board of Registration the power to fine unregistered individual whom practice land surveying.

MICHIGAN

The Michigan Society of Professional Surveyors is pursuing legislation to prevent unlicensed activities.

MINNESOTA

The Minnesota Society of Professional Surveyors is actively working with the Board of Registration to adopt survey standards and continuing education.

NEW JERSEY

The Governor of New Jersey has signed the continuing professional competency bill into law, additionally New Jersey has a continuing education requirement for LS license renewal.

The New Jersey Society of Professional Land Surveyors has begun an assault on the use of "Survey Affidavits" and "No Survey Certifications", and the danger they pose to the consumer both in the near future and the carrying forward of unknown title problems and encroachments.

OREGON

The Professional Land Surveyors of Oregon raised \$6,400 for scholarships at their most recent annual scholarship auction.

UTAH

The Utah Council of Land Surveyors noted a sharp increase in attendance at their annual conference, probably due to mandatory continuing education now in effect.

WISCONSIN

The Wisconsin Society of Land Surveyor's Statue of Response (limitations) bill has passed the state legislature. The bill limits the Surveyor's liability to ten years following completion of work.

If you have any questions or comments, please contact me at 1-800-379-1525

SCHOLARSHIP THANK YOU

Indiana Society of Professional
Land Surveyors, Inc.
55 Monument Circle, Suite 1222
Indianapolis, Indiana 46204

To whom it may concern:

I would like to thank the Indiana Society of Professional Land Surveyors for selecting me for the "Friends of Surveying" scholarship at Vincennes University. The money is greatly appreciated and I assure you it will not go to waste.

Thank you,

David R. Boblitt II
1514 E. 31st Street
Anderson, IN 46011

MID-CONTINENT HIGHWAY (INTERSTATE 69)

An Investment in America's Future

ANNUAL MEETING UPDATE REPORT

Completion of an Interstate-type highway from Port Huron, Michigan to Laredo, Texas, utilizing existing routes and new construction, has the strong endorsement of Governor Jim Guy Tucker of Arkansas and Tennessee's Governor Ned McWherter.

Attending the mid-May annual meeting of the I-69 Mid-Continent Highway Coalition held at the Brooks Museum in Memphis, Tennessee, both governors emphasized the importance of the proposed highway as an economic stimulus for the eight corridor states.

Backers of the proposed "Interstate 69 Mid-Continent Highway" also received encouragement from Mr. Alan Reynolds of the Hudson Institute, an Indianapolis-Washington D.C. think tank. Reynolds spoke during the annual meeting of the Coalition. Reynolds said that plans for a Canada-to-Mexico interstate route through Memphis, Tennessee have been given new economic and political importance by the ratification of the North American Free Trade Agreement, NAFTA.

One illustration offered by Reynolds was the plight of a Canadian wood-products manufacturer who contacted him recently for advice on whether he should build a plant in Mexico. Reynolds asked the manufacturer why he does not just export to Mexico. "Basically the manufacturer's answer was, You can't get there from here," Reynolds said.

Existing U.S. interstates linking Canada to Mexico go through states such as Wyoming and New Mexico. These corridors have little manufacturing base to benefit the economies of the three country's connected by these routes, Reynolds said. The proposed I-69 route would link the Canadian urban centers of Montreal and Toronto with the industrial heartland of the Midwest and Mexico by extending the existing I-69 interstate, which runs from Port Huron, Michigan, to Indianapolis, Indiana.

Reynold's observations confirm those of former Hudson senior research fellow, Dr. David Reed. An expert on economic development and industrial restructuring, Dr. Reed was the first to point out the significance of the Mid-Continent Highway as the primary surface transportation link among the NAFTA trading partners.

Dr. Reed who is currently affiliated with Marian College in Indianapolis, has also pointed out in his writings a number of other benefits that will result from the construction of the Mid-Continent Highway. These benefits include the strengthening of the economies of some of the nation's most depressed rural communities through which the highway will pass, and improved utilization of the unemployed and under employed workers in those areas.

Garry Peterson, a research fellow with William-Lynn-James, believes that the Mid-Continent Highway stands to serve as the primary overland transportation route for the largest international trade block in the world. As a result, it presents a unique potential

for generating job-creating investment throughout the region it will traverse. The new route would run through Evansville, Indiana; Memphis, Tennessee; Shreveport, Louisiana; and Houston, Texas, before entering Mexico at Laredo, Texas.

Arkansas Transportation Director, Dan Flowers, told those attending the meeting that an \$800,000 study to determine the feasibility and best possible routing of the highway should begin in June 1994. It will take about 15 months to complete. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) established Corridor 18, commonly known as the I-69 Corridor, as a high priority corridor from Indianapolis to Memphis. In 1993, the corridor was extended by Congress from Memphis, Tennessee to Houston and Laredo, Texas by way of Shreveport/Bossier City, Louisiana.

...reprinted from Volume 5, June 1994 Mid-Continent Highway

THE MID-CONTINENT HIGHWAY COALITION WHO ARE THEY?

The Mid-Continent Highway Coalition is comprised of men and women from all walks of life in the Heartland of America. These people hold a common vision to improve their communities, relative to the changing global economy. This spectrum includes a cross-section of civic and municipal leaders from towns as small as Cleveland, Mississippi, to as large as Indianapolis, Indiana, or Houston, Texas. The coalition, directed by James Newland, is unique for its involvement of local business and industry leaders with labor and civic leaders.

The main focus of the coalition is to channel local, state and congressional support into the project. The seven corridor states that make up this coalition are working for a direct ground transportation link from the Gulf of Mexico to the Great Lakes. Benefits of the link would include not only safer and more economical transportation, but it would in turn create thousands of jobs and enhance industry location. The coalition strongly believes that the south central quadrant of America will never prosper unless there is a north-south transportation highway built, linking the beginning of I-69 in Port Huron, Michigan, to Laredo, Texas.

To this end, the coalition has organized a regional effort to bring about a rebirth of mid-America by tying the communities of the region together by a ground transportation system. Each state in the coalition has formed its own state organization and designated representatives to the regional effort. This organizational effort has gained the respect and support of all of the governments involved along the proposed route.

OFFICERS ELECTED FOR NEW ARCHITECT & ENGINEERING FIRM

Alex D. Oak, P.E., P.L.S., President and Chief Executive Officer of Paul I. Cripe, Inc. has been named the President of C & O Architects & Engineers, Ltd. Although new to Indiana, the principals and staff of C & O have 93 years of combined experience. The new firm has 245 professionals and associates (in all design disciplines) with offices located in Indianapolis, Indiana and in Deerfield and Chicago, Illinois.

In addition, Dennis L. Southland, Vice President of Paul I. Cripe, Inc. was named Vice President of C & O. Both Mr. Oak and Mr. Southland will assume their new positions in addition to fulfilling their current responsibilities at Cripe.

C & O Architects & Engineers, Ltd. specializes in educational design with both architectural and engineering services provided from the Indianapolis office. In-house services include architecture; civil, structural, mechanical, electrical and fire protection engineering; interior and graphic design; land planning, land surveying, and landscape architecture. C & O projects are characterized by a high degree of quality, flexibility, creativity, technology, and cost controls in addition to a thorough assessment of the community's need, desire, and ability to pay for the project.

In accepting the added responsibility of leading C & O, Mr. Oak said, "Both organizations comprising C & O are excited about the additional dimensions this new company brings to the educational community in Indiana. We are dedicated to prioritizing, planning, and implementing creative solutions within realistic budget and schedule constraints. The 're-engineering of public education' is being addressed by local public school corporations throughout the State of Indiana. C & O offers a comprehensive approach to this 're-engineering' concept which is on the cutting edge of preparing both our children and the communities in which they live for a better future."

COMPLETED CAREER

R. Edward Carnes, 67
LaPorte, Indiana

The funeral for Mr. R. Edward Carnes, 67, of 1403 Monroe St., LaPorte was held Tuesday, June 7th at Haverstock Funeral Home with Rev. Donald Hamilton officiating. He died Friday, June 3, 1994, at 9:39 p.m. at LaPorte Hospital.

He was born July 13, 1926, in Keystone, Indiana to Azel and Ethel (Felt) Carnes, and had lived in LaPorte for 51 years, coming from Keystone.

Mr. Carnes was a member of First Christian Church, Veterans of Foreign Wars, LaPorte Planning Commission, and Board of Zoning Appeals. He was a registered professional land surveyor for 34 years and a U.S. Navy Veteran of World War II.

On July 19, 1974 in LaPorte, he married Mary Trudeau, who survives. Also surviving are two daughters, three sisters, and two others. Memorial contributions may be made to Visiting Nurses Association. Burial was in Patton Cemetery.

MSE CORPORATION SELECTED TO CONVERT ALABAMA POWER COMPANY'S DATA TO NEW GIS

MSE Corporation, the largest full-service engineering firm in Indiana and one of the premier data conversion companies in the world, announced that it has been selected by Alabama Power Company to convert its utility data to a new geographic information system (GIS).

Alabama Power Company is an operating company of The Southern Company, an Atlanta-based utility holding company. Alabama Power provides electric service to more than 1.2 million customers in its 44,500 square-mile service area.

Tom Newdome, Alabama Power's GIS project manager, said "One of the unique aspects of GIS is that we will be developing it in conjunction with two of our sister companies, Savannah Electric and Georgia Power. This cooperative effort means our data and applications may be shared, which will therefore demand a carefully designed system, applications, and high-quality data."

MSE will begin the initial data conversion in the East Jefferson District of Alabama Power's service area. Eventually, records from 26 district and 6 division offices will be converted to Alabama Power's GIS.

In addition to data conversion, MSE will provide field inventory services for the project. Nearly 700 square miles of electric facilities (conductors, service, and apparatus) will be inventoried for the new GIS. Field inventory is an important part of the developmental stages of a GIS project because it is the process which confirms facility information and location.

Bob Montgomery, Director of Business Development for MSE Corporation noted, "Alabama Power tested its system's design and functionality in one of the most rigorous pilots we've seen. They are starting data conversion with their goals clearly defined, and with a great deal of knowledge. This should be a very successful implementation."

MSE Corporation was founded in 1960. It is the largest full-service engineering and AM/FM/GIS company in Indiana. MSE works extensively with ARC/INFO-based systems and performs data conversion and data migration for electric utility companies around the world. MSE has more than 15 years of experience with data management and GIS projects, and has completed GIS for nearly 30 utility companies, including 15 electric utilities. Today MSE serves a broad base of clients in the public and private sectors with infrastructure engineering, digital mapping, survey, and field inventory services.

HAS THIS EVER HAPPENED TO YOU?...

By George West, PLS, Arkansas

The other day a lady called and asked the cost of a survey. She said that she had an old survey and that she was refinancing her home and property, small acreage tract, with one of the North Little Rock banks. They were requiring a survey. I asked if I had done the previous survey, and she said no. I asked who the surveyor was, wondering why she did not call and request an update from him. She could not remember his full name and he was no longer in this area. I recognized the last name and knew that he had not ever been in full-time private practice.

Scenario Contains Several Errors

I informed her that I would not update a survey that was done by another surveyor, that I would essentially have to do a new survey, locating the boundaries, improvements, etc., that my changes would be based on time and would probably be \$200 to \$400, possibly even more, since I knew absolutely nothing about the land or her description. She was not interested in a new survey, especially one that would cost more than \$200. He, the man at the bank, suggested to her that all any surveyor would have to do was drive by the property and certify that the house is on the described parcel and that nothing has changed since the previous survey, including encroachments, etc. I told her that I did not make drive-by surveys, that I knew of only one drive-by surveyor and would not give her his name.

Several things are wrong with the above (factual) abbreviated description of a conversation with a potential client.

- 1) Actually, I am ashamed to say that there really is more than one Drive-by Surveyor.
- 2) The man at the bank expects the surveyor to drive by the property and certify that nothing has changed since the original survey. This would certainly clear him, the banker, of any wrong concerning the property boundaries, improvements, encroachments, and easements. However, it appears to me that if a surveyor did update another surveyor's survey by doing anything less than a complete verification of the property boundaries, improvements, encroachments, easements, etc., that he would be assuming a massive amount of liability for a cheap fee. In fact, it appears that Surveyor No. 2 would now be liable, not only for his own mistakes but also for any and all errors and/or mistakes made by Surveyor No. 1.
- 3) It wasn't told to me, but I feel sure that the bank will require title insurance. If I understand all I know about title insurance, they will require a new title insurance policy, which means they don't update it; they don't reverify it; they don't revise it; and they don't do it for half price. They start all over with a new title insurance policy and a new, full priced premium for same. Even the title insurance people expect the surveyor to stick his neck out for wages. Have you seen some of the weird certifications they have come up with? In fact, they (real estate people, title insurance people and financial people) expect the surveyor to just change the date of his own survey, without charge and without even driving by the property, if the survey is over ninety (90) days old. By the way, each of those

groups refer to themselves as "PROFESSIONAL". Each of those groups are closer in agreement on their individual services, policies, fees, etc. than surveyors ever will be.

4) Apparently the banker had insinuated to the lady that the cost of said drive-by survey would be minimal. Also, it is apparent that the baker is misinformed, not only about the cost of surveys but also about the responsibility and liability of the surveyor. Maybe his knowledge of the simplicity, cost and liability of surveys is based on his acquaintance with various drive-by surveyors. More likely, he is smart like a fox and just doesn't care, so long as he has a survey in his file, by any drive-by surveyor who is dumb enough to assume all responsibility and liability, thereby shifting it from the banker. To be sure, the banker is well acquainted with one or more drive-by surveyors because in addition to being fast, he is also cheap and that seems to be the name of the game (CHEAP & FAST or is it FAST & CHEAP?). Of course, he should be cheap. The thing he does best is collect his meagre fee. Actually, if he charges anything at all, it is near extortion, or rather fraud.

...CHEAP & FAST or is it FAST & CHEAP?

- 5) This is not the first time that this or something similar has happened. Nothing I could say or do would satisfy the lady. She had been informed by her banker as to what needed to be done and the approximate cost thereof. In effect, she was convinced that I was trying to sell her a bill of goods.
- 6) Surveyor No. 1 is long gone. He had never been in full-time private practice. If surveyors would STAND TOGETHER and were half as professional as we should be and twice as professional as we really are:

- 1) We wouldn't have to concern ourselves with drive-by surveyors.

We wouldn't have to concern ourselves with cheap/fast and fast/cheap surveys by fast/cheap or cheap/fast surveyors;

- 2) We wouldn't have to concern ourselves with cheap/fast and fast/cheap surveys by fast/cheap or cheap/fast surveyors;
- 3) We wouldn't have to concern ourselves with weird certifications that we are requested to put on our surveys (usually after the original field work is done and the plat submitted), we would prepare the certification based on the type of survey were requested to do;
- 4) We wouldn't have to concern ourselves with being intimidated by real estate, title or finance companies;

...continued Page 18

CONFINED SPACES

by Ron Koons, RoSaKo Enterprises, Middletown, Indiana

In April of 1993 the Confined Space Regulation (29 CFR 1910.146) was enacted. As with most Federal Regulations, it is open to many interpretations. Since the promulgation of the law I have had the opportunity to attend two training sessions at the OSHA Institute that discussed Confined Spaces. I have also attended a seminar taught by a member of the ANSI committee on confined spaces. The Confined Space regulations are in the General Industry section of OSHA regulations. Many people feel this does not have to do with those who deal in construction activities since OSHA is presently writing a separate standard for the construction industry. Keep in mind that surveying is not technically a construction activity. Even though you may be dealing with many construction sites, your employees are generally covered under the general industry standard because you are not actually involved in the process of putting a building or road together. On the other hand, you may be on many jobsites while construction activity is occurring. Therefore, there may be certain construction regulations that you must obey. There is a simple way to understand this. If there is a regulation in either the construction standards or the general industry standards that deals with any safety situation, OSHA will find a way to use it against you; in one way or another. They can always use the General Duty Clause that basically says you must provide a safe environment for your employees based upon regulations and general industry standards. If a regulation exists in another section that covers your situation, then they could consider it a general industry standard.

Let's try to hit the basics that you will deal with on Confined Spaces.

1. A Confined Space is defined as:
 - a) An area which has adequate size and configuration for employee entry.
 - b) An area which has limited means of access or egress.
 - c) An area which is not designed for continuous employee occupancy.
2. A Permit Required Confined Space:
 - a) Must meet the criteria list for Confined Space.
 - b) Must have the potential for: hazardous atmospheric conditions (Toxic, flammable, or asphyxiating), or engulfment, or hazardous configuration, or any other recognized hazard.

Note: It only takes one of item "b" to make a Confined Space a Permit Required Confined Space. Under certain situations the hazard may be eliminated without any danger of returning. If this occurs then the space would revert back to just a Confined Space.

If your employees work in Confined Spaces then you must follow procedures that can be very detailed. Let's hit some of the highlights of what you have to deal with in the Confined Space regulations.

1. Hazard Determination (You must determine if a space meets the criteria for a Permit Required Confined Space.)

2. Written Program (You must have a set of procedures set up for dealing with Permit Required Confined Spaces.)
3. Equipment (You must have the proper equipment available for either making the Permit Required Confined Space just a Confined Space, or you must have Personal Protective Equipment available to protect your employees during the entry.)
4. Training (You must train the Entrant, Attendant, and Entry Supervisor in all aspects of how to enter and exit the Confined Space in a safe manner.)
5. Permit (You must have a permit system within your program and issue a permit for each entry.)
6. Monitoring (You must continually monitor the Confined Space during the entry to make sure the Entrant is never put in a situation that could cause injury or death.)

This is just a brief list of the elements that must be considered when dealing in Confined Spaces. If your employees enter any confined spaces such as manholes, lift stations, etc. you must be prepared to deal with these regulations. Even if you don't enter the space, but just put something in the space (such as a rod or mirror) you must still be aware of any potential situations that could cause injury to an employee. Don't take chances with Confined Spaces, the life you save may be your own!

HAS THIS EVER HAPPENED TO YOU?

...continued from Page 18

- 5) We wouldn't allow a board of engineers to define the words "Survey" or "Surveyor";
- 6) We wouldn't allow an Engineer's Certificate on a subdivision plat, or at the very least, we wouldn't allow it to be a requirement;
- 7) We wouldn't have to concern ourselves so much with people shopping prices but with people shopping for QUALITY, QUANTITY, EXPEDIENCE, and TYPE;
- 8) We wouldn't consider updating another surveyor's survey at any price and we wouldn't even update our own surveys without an appropriate fee.

If only surveyors would STAND TOGETHER..... We would ..!!!!

Don't that all sound GREAT? It's been said in my church, "You can't sing 'STANDING ON THE PROMISES' sitting down". Well, I'm here to tell you that: Neither can you stand together without standing up and being counted. Where do you stand?

Note: At the very least a Survey Update of even our own survey should include relocating the boundary monuments and assuring ourselves that they are the same monuments and in the same location as on the survey we are updating and reverifying. It should also include a check of improvements, easements, and possible encroachments.

...reprinted from the Oregon Surveyor, March-April 1993. HI's & P.I.'s - "Arkansas" April 92.

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CALENDAR

September 30, 1994
ISPLS Fall Workshop, Topic: " Rule 12 ", Speaker Gary R. Kent, LS; Brown County State Park, Nashville, Indiana

October 14, 1994
ISPLS Board of Directors Meeting, Government Center

October 23-28, 1994
GIS/LIS '94 Annual Conference & Exposition & ACSM/ASPRS Fall Convention. Phoenix Convention Center, Phoenix, Arizona. Contact Denise Cranwell, Phone 301/493-0200.

November 19, 1994
ISPLS Board of Directors Meeting, ISPLS Headquarters

January 18-20, 1995
ISPLS Conference, Merrillville, Indiana

February 1-4, 1995
Kentucky Association of Professional Surveyors Annual Conference, Holiday Inn Cincinnati Airport, Contact: Bonita Fentress, KAPS Executive Director, Phone (502) 695-2349

February 27 - March 3, 1995
ACSM/ASPRS Annual Convention and Exposition, Charlotte, NC

**INPUT SOUGHT FOR
CONSTITUTION AND BY-LAWS**

The Constitution and By-Laws Committee -- Ron Hansell, chair, John Beals, and Don Bengel, would appreciate hearing from members of ISPLS and the Chapters. The Society has operated for many years under the mantle of the American Congress of Surveying & Mapping, with a Code of By-Laws for the Society. The Code of By-Laws is published in the Annual Membership Roster--usually near the back of the Roster. We have not adopted a separate Constitution for the Society.

The Chapters of the Society are organizations ranging from formal Business Corporations to loose-knit associations. Some of the Chapters have adopted both Constitution and By-Laws, while some petitioned the Board of Directors of ISPLS to establish a Chapter but have never adopted any form of business organization.

Because of the liability and tax consequences of the Society's and the Chapters' operations, the By-Laws Committee is considering whether the present Code of By-Laws of the Society adequately serves our needs, and whether the relationship created--actually or legally--by various organizational arrangements and operations are adequately served by the ACSM structure, ISPLS's Code of By-Laws, and the governing instruments, if any, for the various Chapters.

The Committee requests that the Chapter Secretaries, or whom-ever has documents and/or an exceptionally good memory in each Chapter, forward a copy of their Chapter's Constitution, By-Laws, Rules of Order, Articles of Incorporation, and other such relevant organizational documents to one of the Committee members or to Dianne Bennett. Phone calls indicating the appropriate contact person(s) also would be appreciated, together with questions or comments about problems, solutions, etc., for your Chapter's structure.

Sincerely,
Stephen Hansell, Phone 317-253-9624

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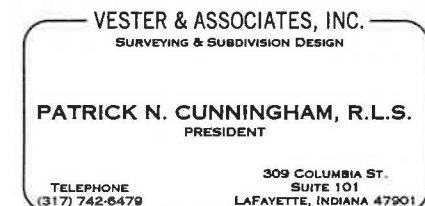
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