

Guidance Document

To: Regulants & Other Members of the Public
From: Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board)
Date: June 30, 2011 (*Revised September 15, 2015*)
Re: *Requirements for the Use of Topographic Surveys, Orthographic Maps or other Geospatial Data in Virginia*

Purpose

The purpose of this document is to clarify 18VAC10-20-382.B.11 of the Board's regulations, performance standards for conducting topographic surveys, and the use of these maps and other geospatial data.

Statement Requirement for Surveys

Currently, Board regulations require that a certification statement be included with all topographic surveys:

18VAC10-20-382.B.11

"A statement, in the following form, shall be shown on or contained in plats, maps, or digital geospatial data including metadata:

This _____ (provide description of the project) was completed under the direct and responsible charge of, _____ (Name of Surveyor or Surveyor Photogrammetrist) from an actual Ground or Airborne (check the one that is applicable) survey made under my supervision; that the imagery and/or original data was obtained on _____ (Date); and that this plat, map, or digital geospatial data including metadata meets minimum accuracy standards unless otherwise noted."

The statement indicates that the "Name of Surveyor or Surveyor Photogrammetrist" is required. The individuals authorized to perform topographic surveys are land surveyors and surveyor photogrammetrists licensed pursuant to 54.1-400 (et seq.) of the *Code of Virginia*. However, licensed architects and professional engineers are also authorized by Virginia statute to perform topographic surveys provided the survey is incidental to the architectural or engineering project, respectively:

§ 54.1-401. Exemptions.

"The following shall be exempted from the provisions [surveyor license] of this chapter:

1. Practice of professional engineering and land surveying by a licensed architect when such practice is incidental to what may be properly considered an architectural undertaking.
2. Practice of architecture and land surveying by a licensed professional engineer when such practice is incidental to an engineering project."

It is the intent of the Board's regulations that the statement required by 18VAC10-20-382.B.11 of the Board's regulations be signed by whichever professional completed the survey- surveyor, surveyor photogrammetrist, architect, or professional engineer.

Survey Performance Standard

Board regulations also require that any licensed professional, authorized to perform a survey, must perform the survey to the standards contained in 18VAC10-20-382 of the Board's regulations:

18VAC10-20-730.C

"The professional shall adhere to the minimum standards and requirements pertaining to the practice of his own profession, as well as other professions if incidental work is performed."

When a licensed surveyor or surveyor photogrammetrist performs a topographic survey, or if an architect or professional engineer performs a topographic survey incidental to an architectural or engineering project, respectively, he must seal, sign, and date the survey per Board regulations:

18VAC10-20-382.A

"The minimum standards and procedures set forth in this section are to be used for topographic surveys performed in the Commonwealth of Virginia pursuant to Chapter 4 (§ [54.1-400](#) et seq.) of Title 54.1 of the Code of Virginia. The application of the professional's seal, signature and date as required by these regulations shall be evidence that the topographic survey is correct to the best of the professional's knowledge and belief, and complies with the minimum standards and procedures."

Board regulations also require a seal, signature, and date even in situations where a license is not required:

18VAC10-20-760.B.4

"The seal of each professional responsible for each profession shall be used and shall be on each document that was prepared under the professional's direction and for which that professional is responsible. If one of the exemptions found in § [54.1-402](#) of the Code of Virginia is applicable, a professional licensed or certified by this board shall nevertheless apply his seal to the exempt work."

Use of Unregulated Topographic Surveys

The *Code of Virginia* requires that a topographic survey be performed by a professional who is duly licensed by the Board. Topographic surveys used in the design, modification, construction of improvements to real property, or for flood plain determination must be sealed, signed, and dated by the licensed professional who performed the survey or directly supervised the person who performed the survey. A topographic survey that is not sealed, signed, and dated by a professional must only be used for general information pursuant to Virginia statute:

§ 54.1-402.C Further exemptions from license requirements for architects, professional engineers, and land surveyors.

(third paragraph) "Any person not licensed pursuant to subsection B of § 54.1-404 or 54.1-406 preparing documentation pursuant to subsection C of § 54.1-402 shall note the following on such documentation: "Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination."

Use of Unregulated Geospatial Data

In 2012, a state-wide orthographic database for general use by the public was created. Since that time, it has come to the attention of the APELSCIDLA Board that these maps may have been used, or may currently be being used, for professional design services, including, but not necessarily limited to, design of improvements to real property, flood plain determination for the determination of flood zone limits, downstream flood inundation zones below regulated dams and the design of public roads. That noted, pursuant to §54.1-402.C, all regulants are advised that these maps do not approach the level of accuracy for use in providing design services; therefore, design professionals are cautioned that the use of this public data may be deemed a violation, as this data does not meet the minimum standards of accuracy required for use by design professionals and may be injurious to the health, safety and welfare of the public.

Summary

The excerpts from Virginia statutes and Board regulations are provided above for your convenience to help you locate the text from the administrative and positive law that establishes the Board's authority. To conclude the information above, the following summaries of this document are provided:

1. Although the Board's regulations indicate that the survey statement requires the "Name of Surveyor or Surveyor Photogrammetrist", the architect or engineer who performed the survey, or directly supervised the individual who performed the survey, must place his name on the statement required by the regulations.
2. Surveys must be performed to the standards established in the Board's regulations whether the survey is performed by a licensed surveyor, surveyor photogrammetrist, architect, or professional engineer as indicated in this document. All surveys, regardless of whether exempt from statutory licensure requirements, must be sealed, signed, and dated by the professional who performed the survey or directly supervised the individual who performed the survey.
3. Any professional licensed by the Board, who utilizes a topographic survey to perform professional work, must ensure that the survey is sealed, signed, and dated properly as indicated above.
4. USGS quad sheets and GIS data, unregulated orthographic surveys, or other unregulated topographic surveys prepared pursuant to §54.1-402.C of the *Code of Virginia*, may be used for general information and need not be signed and sealed. The use of unsigned information must include a statement clearly depicting the use of those documents and their origin.