



Virginia  
Regulatory  
Town Hall

[townhall.virginia.gov](http://townhall.virginia.gov)

## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	DPOR/ Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 10-20
<b>Regulation title</b>	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations
<b>Action title</b>	Develop necessary regulations to implement a regulatory program for photogrammetrists
<b>Document preparation date</b>	September 14, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The purpose of the proposal is to make the following changes:

Develop necessary regulations to implement a regulatory program for photogrammetrists, including standards for determination of topography, as permitted by HB2863 from the 2005 session of the General Assembly.

Other changes which may be necessary may also be considered.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

§§ 54.1-404, 54.1-411.C, 13.1-549 and 13.1-1111 of the Code of Virginia authorize the Board to promulgate regulations for a regulatory system. While the Board is mandated to establish regulations, the content of the regulations is at the discretion of the Board.

**Substance**

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

The Board will develop regulations to implement a regulatory program for photogrammetrists, including standards for determination of topography, in accordance with the provisions of § 54.1-404.B of the Code of Virginia as follows:

*B. The Board may impose different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours, or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology who are not otherwise exempt pursuant to subsection C of § 54.1-402. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services.*

*Any license issued pursuant to this subsection shall be distinctive, reflecting the limited area of the practice of land surveying so authorized, and considered as a land surveyor and the practice of land surveying for the purposes of §§ 13.1-549, 13.1-1111, 54.1-402, 54.1-405, 54.1-406 and 54.1-411. Nothing herein shall be construed to authorize a person issued a limited license pursuant to this subsection to practice beyond such limited area of practice. The establishment of any such limited license shall not prohibit any duly qualified land surveyor licensed pursuant to § 54.1-400 from engaging in any such limited area of practice.*

The proposed change is being considered as a study by the Board for Professional and Occupational Regulation determined that the practice of photogrammetry does affect the health, safety and welfare of the public. Further, in order to adequately protect the public, the General Assembly granted the APELSCIDLA Board the authority to develop the necessary regulatory program.

Other changes which may be necessary may also be considered.

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

The Board will consider any and all comments received during the comment periods as to any proposed alternatives.

**Family impact**

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

---

The contemplated changes are not anticipated to have any significant impact on Virginia's families.