

NEW JERSEY REGISTER  
VOLUME 36, NUMBER 21  
MONDAY, NOVEMBER 1, 2004  
PUBLIC NOTICE

LAW AND PUBLIC SAFETY  
**STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
*Notice Regarding Preparation Of Topographic Surveys  
And Existing Conditions Depicted On Site Plans*

Take notice that on July 15, 2004, the State Board of Professional Engineers and Land Surveyors (the "Board") approved this notice to inform licensees, consumers and other members of the public of the application of current law regarding whether a licensed professional engineer may prepare a topographic survey or show existing conditions on a site plan without a survey prepared by a licensed land surveyor. The Board has been made aware that there may be confusion within the several regulated communities whose members are involved in the preparation and use of site plans with respect to the pertinent scopes of practice. By this notice, the Board sets forth the authority by which those parameters are established and alerts its licensees as well as those of other boards of its long-standing interpretation of relevant law. Two principles are clear:

1. N.J.S.A. 45:8-28 and N.J.A.C. 13:40-7 provide that only a licensed land surveyor may prepare a topographic survey; and
2. In preparing a site plan a licensed professional engineer must transfer the existing conditions shown on the site plan from a survey prepared by a licensed land surveyor.

These principles have been controlling since the enactment of P.L. 1992, c.64, which made specific delineations between the practice of engineering and land surveying. They do not represent changes in policy or interpretation.

By way of background, the enactment of the 1992 statutory amendments to the definition of the "practice of land surveying" at N.J.S.A. 45:8-28(e) expanded that term to mean:

any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law to the act of measuring and locating distances, directions, elevations, natural and man-made topographical features in the air, on the surface of the earth, within underground workings, and on beds of bodies of water for the purpose of determining areas and volumes, and for the establishing of horizontal and vertical control as it relates to construction stake-out, for the monumentation of property boundaries and for the platting and layout of lands and subdivisions thereof and for the preparation and perpetuation of maps, record plats, field notes, records and property descriptions in manual and computer coded form, that represent these surveys.

A limited exception for a licensed professional engineer, appearing in the last paragraph of subsection (e), was allowed under the definition of the "practice of land surveying" to permit a licensed professional engineer to perform measurements which are "necessary for the design, construction stake-out, construction and post-construction records of an engineering project," but only so long as "these measurements are not related to property lines, lot lines, easement lines, or right-of-way lines," which must be established by a licensed land surveyor. This exception, however, does not permit a licensed professional engineer to prepare a topographic survey or locate and show existing conditions on a site plan without a survey having been first prepared by a licensed land surveyor.

The statutes regarding surveys prepared in connection with the submission of site plans have been interpreted by the Board at N.J.A.C. 13:40-7.2(a) to mean that only licensed land surveyors may show existing conditions and exact locations of physical features on a survey, including metes and bounds, drainage, waterways, specific utility locations and easements. Thereafter, the survey information may be transferred by a licensed professional engineer to a site plan prepared by the engineer. N.J.A.C. 13:40-7.2(a)1 requires that the site plan onto which survey information has been transferred must "duly" note the date of the survey in addition to by and for whom the survey was performed. Further, a signed and sealed copy of the survey prepared by a licensed land surveyor must accompany the site plan submission which is to be reviewed by a governmental body.

36 N.J.R. 5008(a)