

Did You Know there are legislated rules regarding setting points along a property line commonly known as “line staking”?

Our profession of Professional Land Surveying is one that the public relies on to be unbiased, and truthful, with honesty and integrity while performing our services regardless of our client. Setting line points along an ownership boundary is only a service that can be provided by a Professional Land Surveyor. This service is not only for our client but also benefits the adjoining owners. **(Statutory quotes are bold italic and emphasized with underlining)**

The Washington Administrative Code (WAC) is very clear regarding our licensure evaluation and practice in WAC 196-16 and also addresses our duties of Professional Conduct in WAC 196-27A. These are very relative to setting line points between ownerships and reveal a professional obligation to the public, not just our client.

For example the RULES OF PROFESSIONAL CONDUCT AND PRACTICE are standards of practice. *WAC 196-27A-010 (2) **these rules of professional conduct and practice are applicable to all registrants and engineering/land surveying firms.*** This is restating the obvious, however *WAC 196-27A-020* is also applicable in the bigger picture related to the public; **Registrants are to safeguard life, health, and property and promote the welfare of the public. To that end, registrants have obligations to the public, their employers and clients, other registrants and the board.** It continues to say in sub paragraph (1)a **Registrants are obligated to be honest, fair and timely in their dealings with the public.**

A portion of sub paragraph (1)e & f states: **Registrants shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.**
(f) Registrants shall offer their services in a truthful, objective, professional manner that effects integrity and fosters public trust in the engineering and land surveying professions

Being familiar with the statutes provides the background for the interpretation regarding the “Line Staking” professional service.

The Revised Code of Washington also addresses the legal parameters professional land surveyors are to adhere to. The definition of survey in *RCW 58.09.020 (3)* defines monumenting “lines”:

“Survey” shall mean the locating and monumenting in accordance with sound principles of land surveying by or under the supervision of a licensed land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more ownerships

The definition of the monument requirement is also very succinct relating to proper marking for line stakes: *RCW 58.09.120* states: **Any monument set by a land surveyor to mark or reference a point on a property or land line shall be permanently marked or tagged with the certificate number of the land surveyor setting it.**

Given the understanding of the previous statutory requirements, the meaning of WAC 196-29-110 (effective 11-25-06) becomes very apparent regarding the professional practice of surveying. In context of protecting the public, there is little to question regarding the intent of this WAC. Note: WAC 196-29-110 is successor of WAC 196-24-110, (filed 6-4-1987).

WAC 196-29-110: LAND SURVEYING PRACTICE STANDARDS.

Failure by any registrant to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC shall be considered misconduct or malpractice as defined by RCW 18.43.105(11).

The following standards shall also apply:

(1) The monumentation, posting, and/or the marking of a boundary line between two existing corner monuments constitutes the "practice of land surveying" as defined in chapter 18.43 RCW and chapter 196-16 WAC, and consequently requires said work to be performed under the direct supervision of a registered professional land surveyor.

(2) The field survey work performed to accomplish the monumentation, posting, and marking of a boundary line between two existing corner monuments shall meet the minimum standards imposed by chapter 332-130 WAC.

(3) The monumentation, posting, and/or marking of a boundary line between two existing corner monuments involves a determination of the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment.

(4) The monumentation, posting, and marking of a boundary line between two existing corner monuments shall require the filing of a record of survey according to chapter 58.09 RCW unless both corners satisfy one or both of the following requirements:

(a) The corner(s) are shown as being established on a properly recorded or filed survey according to chapter 58.09 RCW and are accurately and correctly shown thereon.

(b) The corner(s) are described correctly, accurately, and properly on a land corner record according to chapter 58.09 RCW if their establishment was by a method not requiring the filing of a record of survey.

A property owner may be surprised by a new set of stakes marking a boundary crossing their perceived ownership; however they should be able to identify the professional who set them. It cannot be done in a "secretive survey manner" known only by the retaining client and with no identifying marks left by the professional surveyor establishing them.

Properly marking the stakes set on the boundary line does not negate the client confidentiality relationship for the deed boundary determination. If anything it opens the door for boundary conflict resolution. Because they know or will know it was performed by a trusted Professional Licensed Land Surveyor in the State of Washington. Only this method preserves the public trust when one or more of the effected owners are not part of the communication.

In addition, if the occupation is different than the surveyed deed line a potential encroachment exists which requires a record of survey *per RCW 58.09.090 (1)(d)(iii)*. This is not the choice of the client, but clearly a statutory requirement of Professional Land Surveyors. The opening paragraph of this WAC should get your attention. This law is important to the Licensure Board and to Licensees for the protection of the public.

There are numerous other citations a Professional Land Surveyor should be familiar with within the various RCW's and WAC's regarding misconduct or malpractice. However the opening statement of WAC 196-27A-030 is very succinct. This WAC in its entirety should be understood by every Professional Land Surveyor and Engineer.

196-27A-030 EXPLICIT ACTS OF MISCONDUCT.

In addition to any failure to conform with the requirements of chapter 18.43 or 18.235 RCW, or this chapter, the following acts and any act or condition listed in RCW 18.235.130, are explicitly defined as misconduct in the practice of engineering and/or land surveying.