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The time has come to pass the torch of leadership of VAS on to the First Vice-President. It has been a very rewarding year with a lot of ups and downs, dealing with poor economic conditions, balancing budgets and worrying about the attendance for the upcoming convention. My year as President was very humbling. Nothing prepares you for the position and the responsibilities associated with it. A thank you goes out to all Chapter Presidents, Committee Chairs, the Executive Secretary and especially Past Presidents who made my job easier and were always available when I was seeking answers and advice.

It was my pleasure serving as your President during 2009 and I appreciate the confidence of my peers in selecting me to serve in that position. The year sped by so fast I did not get everything accomplished that I set as goals for myself as President. For those unfinished goals, I will strive to complete them while serving as your Past President.

Chuck Dunlap, the incoming President, will face many challenges during 2010 and will need the full support of all members to guide VAS and keep it as the leader of surveying societies on the east coast.

After attending many adjoining States conventions, it was very obvious that VAS has earned the respect and is held in high regards by its peers. Let us all be committed to maintaining that leadership by volunteering for committee chairs, chapter officers, help with legislative affairs and other duties as requested by the president.

In closing, I hope to see everyone in Alexandria January 21-23 for the 2010 Convention. Again, I wish to extend my thanks to the membership for allowing me to serve as your 2009 President.

—Timothy Nash, VAS President

I hope everyone is enjoying a safe and happy holiday season. As you may know, this will be my last “letter from the editor” as my term will be ending shortly. I want to take this opportunity to thank all of you for your contributions and remind you and everyone else to keep up the good work. Our magazine will benefit from any and all contributions.

I’m looking forward to seeing everyone at our annual convention in January. I will be passing my editor duties over to fellow VAS Board Member Will Nash. I would like to thank the members of the VAS for this opportunity and to wish Will the best of luck. I hope he enjoys this experience as much as I have. Here’s to a great 2010!

— Peter Moore, Editor

The Old Dominion Surveyor
Eminent Domain
Lisa Goodwin

Lisa Goodwin started her surveying career with VIKA, Inc. in 1997 and continues to enjoy working there today. Lisa graduated from the Land Surveying Apprenticeship Program in June 2009. She has obtained the designation of Certified Survey Technician, Level III and is currently studying for the Surveyor-in-Training exam.

Eminent Domain is defined as “The power to take private property for public use by the state, municipalities, and private persons or corporations authorized to exercise functions of public character.” (Housing Authority of Cherokee National of Oklahoma v. Langley, Okl., 555 P.2d 1025, 1028. Fifth Amendment, U.S. Constitution.)

The power of Eminent Domain has always existed in the United States. It was part of the British Common Law that was transferred during the settlement of the American Colonies.

The founding fathers of the United States declared that individual freedom and property rights are interdependent and should be equally protected. James Madison wrote in Federalist 54, “Government is instituted no less for the protection of the property than of the persons of individuals.”

To protect one’s inalienable right to property ownership, limitations were placed upon the power of eminent domain by the Fifth Amendment of the Constitution for the United States of America which reads, in part, “No person shall… be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

The Fourteenth Amendment to the Constitution of the United States of America, which reads “…nor shall any State deprive any person of life, liberty, or property, without due process of law…”, held that Bill of Rights, including the power of, and limitations to, eminent domain, applied not only to the federal government but to state governments as well.

The Virginia Constitution similarly allows for the absolute right of property ownership, and “just compensation” for property taken, but also addresses due process of law more specifically by stating “That in controversies respecting property… the ancient trial by jury is preferable to any other and ought to be held sacred.”

As surveyors, every day we may come across properties affected in some way by eminent domain. Easements may have been “taken” on privately owned land(s), and portions, or even entire tracts, of land may have been “taken” by the power of eminent domain in conjunction with a development project deemed necessary for public use. A large portion of a surveyor’s typical work here in Northern Virginia is for airports, parks, or hospital projects.

Understandably, some owners of private property have been less than thrilled when faced with the condemnation (i.e. the formal act of the exercise of the power of eminent domain), of their property. Land owners have the right to dispute condemnation on the grounds that the land is not being taken for a legitimate public use, that the quantity of land being taken is disputed, or that the compensation offered is not “just” compensation. Historically, the courts have rendered judgment in favor of the condemnor. Given that history, it has become necessary for a land owner to assemble a team of experts who can provide the court with ample evidence supporting the land owner’s case. We, as surveyors, could one day be involved in a court case involving a challenge of a condemnation proceeding.

As legislation and court precedent re-interpret and further define just what is meant by “public use”, and as the power of eminent domain evolves and expands, the likelihood of our participation in such a case increases.

The protections and rights of property ownership provided by federal and state constitutions have been eroded over time by political influences, judicial decisions, and legislation contrary to the basic principals of the protections instituted by our constitution.

The General Assembly of Virginia has, over time, enacted legislation that conveyed the power of eminent domain to a wide range of government entities and public corporations who have used that power to acquire land, and rights to land, for “public use”. As previously stated, the Constitution for the United States of America and the Virginia Constitution do provide for “just compensation” to the owners of private property taken by the government, but varied, vague or ambiguous definitions of “public use” and the subjective nature of “just compensation” have resulted in what many perceive to be an abuse of the power of eminent domain.

The case of Kelo v. City of New London set a precedent by allowing the transfer of land from one private owner to another via eminent domain to further economic development by interpreting public use as “public purpose”. The Supreme Court of Connecticut found that if in economic project creates new jobs, increases tax revenue, and revitalized urban areas, it does qualify as a public use. In the majority opinion of the Supreme Court of the United States, Justice John P. Stevens wrote the “Court long ago rejected any literal requirement that condemned property be put into use for the general public” (545 U.S. 469). Many members of the public viewed the final disposition of this case “a gross violation of property rights and a violation of the Fifth Amendment, the consequence of which would be to benefit large corporations at the expense of individual homeowners and local communities.”

In Virginia, there have been cases both before and after Kelo v. City of New London that could be construed as an abuse of eminent domain. In Ottofaro v. City of Hampton, the City condemned the property of Ottofaro via a quick take procedure, and then immediately razed the building and

See Eminent Domain, page 6
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built a road. The road encompassed 18% of the property taken and the remaining 82% was then leased to a private developer who in turn, built a shopping center. The court ruled in favor of the City and the condemnation was upheld. The “just compensation” in this case was later determined to be $170,000. In a similar case, Hoffman Family, L.L.C. v. City of Alexandria, the City took a portion of the land of Hoffman Family, L.L.C. in order to move a storm water box culvert off the adjoining property. This was done solely of Hoffman Family, L.L.C. parcel. Lastly, in Hunter v. Norfolk Redevelopment and Housing Authority, NRHA took the property of Hunter under the umbrella of eminent domain stating the neighborhood was “blighted”. The Hunter’s argued that their property was well-maintained and taxes had been paid. The Virginia Supreme Court upheld the condemnation because government officials deemed other properties in the neighborhood were not maintained. The court interpreted that the law allows the government to strip an individual of the property rights based upon the actions of another individual.

In response to Kelo v. City of New London as well as the cases within the Commonwealth of Virginia, Virginia legislators drafted and approved HB 2954 “An Act to amend and reenact §§ 15.2-1800, 15.2-1814, and 25.1-108 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 1-237.1 and to repeal § 115.2-1900 of the Code of Virginia, relating to eminent domain; definition of public uses.”

The revisions and additions to the Code of Virginia place limitations on the power of eminent domain by more clearly defining the parameters of public uses. The Virginia Supreme Court upheld the condemnation of the property as being necessary to address the potential for abuse of the power of eminent domain. Hopefully these changes will be necessary first step in reinstating some of the protections of the rights private property owners that were guaranteed by The Constitution for the United States of America. Those rights that were lost during the quest for “bigger, better, faster” development in the Commonwealth. Hopefully, a reverse in the trend which allowed abuses to occur and with new legislation, property ownership rights are becoming more in line with the intentions of the founding fathers of our nation.

1 See Black’s Law Dictionary, “eminent domain” (8th ed. 2004).
4 See Virginia Constitution of 1776, § 11.
9 Quick Take is a process where the government entity files a certificate of take or certificate of deposit with the court prior to condemnation. This filing effectively conveys title of the property to the government entity prior to the outcome of any pending court proceedings.
VAS 2010 Convention Technical Sessions

Tech Session I - “LAND SURVEYING IN WASHINGTON, DC”, presented by DCALS, The District of Columbia Association of Land Surveyors

While basic principles remain the same, land surveying practices, traditions, rules and licensing all differ in Washington DC from those of Virginia and elsewhere. This fast-paced 8-hour seminar gives a comprehensive basic introduction to all aspects of Washington DC Land Surveying. Topics include: History, “Record vs. Measured,” Property Types, Subdividing, Building Plats, Wall Tests, Theoretical Lots, Tax Lots, Plats of Computation, Legal Descriptions, Licensing and Registration, Research, Datums, Condominiums, Permitting & Zoning, Jurisdictions, DC’s new GIS and, most importantly, Boundary Surveying in Washington DC. Taught by licensed & registered DC land surveyors with decades of experience, this class is focused on information that surveyors, engineers and architects practicing in Washington DC, even occasionally, need to know. Highly recommended for anyone preparing to take the city’s land surveyor licensing exam. Included in the seminar cost is an extensively updated Manual with new information never before published.

Qualifies for 4 hours of CE Credit in Maryland’s Category A and 4 hours of CE Credit in Category B for a total of 8 hours. Tech Session I should qualify for 8 PDH’s/8 CEU’s of CE Credit for surveyors licensed in Virginia.

Tech Session II - “RTK GPS & State Plane Coordinates” Instructor - Alan R. Dragoo, Reg. Surveyor, Keystone Precision Instruments Sales Manager - MD & VA Land Survey Products

Using RTK GPS with Reference Networks and Understanding Issues Related to NAD83 State Plane Coordinates

The basics of the NAD83 Virginia State Plane Coordinate System will be covered. With the increased use of state plane coordinates we will discuss the new set of problems and solutions that this creates for us, such as the grid vs. ground issues and see Tech Sessions, page 14
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Congratulations to our new officers!
As many of you may know by now, we have removed the Exam Review Class from this coming year's educational lineup at the Convention in Alexandria. The decision was made so as to help reduce the overall cost obligation of the convention to VAS. When the decision was made, we knew we wanted to reschedule this important and very valuable class for a later date.

We are very pleased to announce that the Exam Review Class will be held next Spring in Richmond. The class will be held at the Comfort Suites – Virginia Center from Monday, April 5th to Thursday, April 8th. The hotel is located at the intersection of I-95 and I-295 on the north side of Richmond. The hotel is providing VAS a great overnight room rate of $63.00 for Exam Review attendees. Hotel guests have access to a free hot breakfast bar every morning. The hotel has a workout room and an indoor pool. The hotel opened in the Spring of 2008 and is located adjacent to the Virginia Center Shopping Center. There are many dining, shopping and entertainment venues in close proximity to the hotel.

The format of the class will be the same as with the past classes held at the yearly VAS Convention. Instructors will cover and review topics that are important to persons preparing for the Fundamentals in Surveying Exam or the Principals & Practices in Surveying Exam. This new schedule will provide attendees with one last minute review as the state exams are scheduled soon thereafter in the third week of April, 2010.

The VAS Education Committee hopes to finalize all of the associated costs by early December and have flyers ready for mailing and posting on the VAS website soon thereafter. Should you have any questions in the meantime, please don’t hesitate to contact me by email at chip@jorce.com
On behalf of the Convention Committee, I am pleased to inform everyone the arrangements for the 62nd Annual Meeting of the Virginia Association of Surveyors, Inc. are substantially complete; and, members have already started sending in their convention registrations and making their room reservations. If you have not done so already, we urge you to do so, as the registration fees will go up after January 8, 2010; and, your choice of technical seminars may be limited due to the classes being full.

The Committee is also excited to note that we have added another seminar. VAS was contacted by the District of Columbia Association of Land Surveyors (DCALS) in October about the possibility of their doing an updated version of their “Surveying in DC” seminar. After working out the logistics, we have been able to accommodate DCALS; and, their seminar will be held on Thursday, January 21 from 8 AM to 5 PM. This is an excellent seminar that is a must for anyone doing work in Washington, DC, not just surveyors, but engineers and architects as well. A well documented history of the development of our Nation’s Capital is also part of this seminar. Lead by Chas Langelan, a past DCALS President, this will be a lively and informative seminar. Also on Thursday will be the winter Board of Directors meeting in the afternoon; and, at 5 PM, the exhibit hall opens with the President’s Reception.

The Convention continues on Friday with a full day. We have two great seminars, both of which will demonstrate how today’s advanced real-time GPS technology can be further applied in the course of our work. The exhibit hall will open Friday morning and remain open all day; and, all members are encouraged to visit the exhibit hall and support our affiliates, who have generously supported VAS for many years. The day continues with the spouses program, which will consist of tours of two of Washington’s finest, but often overlooked, attractions. First stop will be the Library of Congress, which is one of the most beautiful buildings in Washington. After lunch, the next stop will be a tour of the National Cathedral. The annual banquet of the Association and the installation of the 2010 VAS Officers will be held on Friday evening. The banquet this year will be less formal than in the past and is focused more on fellowship among the members.

The VAS Auxiliary will conduct their annual meeting on Friday afternoon as well. As many of you know, the Auxiliary conducts the silent auction, from which the proceeds are donated for educational purposes. If you have an item that you wish to donate for the auction, please notify Donna Sehl, VAS Auxiliary President, or Judy Hite in the VAS Central Office.

The annual meeting of VAS will be held Saturday morning, followed by the awards luncheon. The Plat Contest winners will be announced at the luncheon.

We look forward to seeing all of you at the Convention.

The Annual Plat Contest will be held during the 62nd Annual Convention and Meeting, to be held January 21-23, 2010 at the Hilton Mark Center in Alexandria, Virginia. The categories are the same as the 2010 ACSM/NSPS Plat Competition.

Entries may be machine or hand-drafted and have a maximum plat size of 34” x 44”. While each submission must be a single sheet drawing, the drawing may be part of a set. Entries must have been prepared within 30 months prior to the mailing deadline. All entries will be judged on adherence to the minimum standards as set forth by NSPS and VAS.

The judges will consider interpretability, content and layout of data shown, presentation, innovation, applicability to typical client or persons using this type of plat, and correctness. Neatness and accuracy of scale will also be considered. All plats must be signed and sealed with a label stating ‘FOR PLAT CONTEST USE ONLY’. Each plat must also be labeled with the name of the category in which it is being submitted. The first and second place winners in each category can also be entered in the NSPS Map/Plat Contest. First and second place plaques will be awarded for each category.

Mail your entries to:

Judy Hite
8752 Landmark Road
Richmond, VA 23228
In Northern Virginia there is perhaps the only Museum dedicated to surveying in the United States. The museum is the private collection of Mr. Sidney Dewberry and is housed in his corporate offices. It represents the efforts of over 25 years of acquiring and preserving an excellent cross section of historical American surveying equipment.

As surveyors, we often hear the phrase “follow in the footsteps of the original surveyor” and one way to understand that is to see up close the equipment our predecessors used to carry out their surveys. The old deeds, with bearings and distances in poles or chains at the courthouse record room just don’t mean much unless one can see the technology behind the numbers. Pictures in a textbook simply can’t show the attention to detail the craftsmen used to create and assemble these instruments.

The collection is from a time period before electronics measured our angles and distances and a good vernier scale made our measurements, good or bad, depending on the skill of the individual surveyor. You can’t imagine what it was like to stand behind a compass and look through the vanes without seeing this equipment firsthand. The collection has nine compasses and one of them is a rare 1775 Rittenhouse, which is the centerpiece of the Museum. There are nine different transits and one of them was used by the Mississippi River Commission. There is a sketch of longhand computations computing the area from bearings and poles. In addition to all these, you’ll find all the accessories from that time period.

You will find a virtual tour of the museum on the company internet site. Just go to www.dewberry.com, then click “Site Map” and under “Company Profile” click “The Dewberry Museum” for the tour. Mr. Dewberry welcomes anyone wishing to see the museum. He just asks that visitors call his office first (703-849-0205). The company address is 8401 Arlington Blvd, Fairfax, Virginia.
## 2010 CONVENTION PROGRAM

62nd Annual VAS Meeting and Convention
Hilton Mark Center, Alexandria, Virginia
January 21-23, 2010

### Thursday, January 21, 2010

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>7:30am to 8:00am</td>
<td>Technical Session I Sign-in Desk – Arbors Room</td>
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<tr>
<td>8:00am to 5:00pm</td>
<td>Technical Session I – “Land Surveying in Washington, DC” - Arbors Room</td>
</tr>
<tr>
<td>10:00am to 4:00pm</td>
<td>Exam Writing Committee – Willow Room</td>
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<tr>
<td>12:00 noon to 1:00pm</td>
<td>Lunch for Technical Session I Registrants – Arbors Room</td>
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<tr>
<td>1:00pm to 5:00pm</td>
<td>Convention Registration – Plaza Ballroom</td>
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<tr>
<td>1:00pm to 5:00pm</td>
<td>Board of Directors Meeting – Walnut Room</td>
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<tr>
<td>3:00pm to 4:00pm</td>
<td>Affiliates Meeting – Plaza Ballroom</td>
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<tr>
<td>3:30pm to 4:30pm</td>
<td>ETSU, ODU, Northern Virginia Apprenticeship Program, and other Educational Institutions Meeting – Hospitality Suite</td>
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<tr>
<td>5:00pm to 7:30pm</td>
<td>Exhibit Hall Open – Plaza Ballroom</td>
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<tr>
<td>5:00pm to 7:30pm</td>
<td>President’s Reception – Plaza Ballroom</td>
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### Friday, January 22, 2010

<table>
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<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>7:00am to 8:00am</td>
<td>Incoming Chapter Presidents Breakfast and Meeting – Finn &amp; Porters Restaurant</td>
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<tr>
<td>7:30am to 4:00pm</td>
<td>Convention Registration – Exhibit Hall</td>
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<tr>
<td>7:30am to 5:00pm</td>
<td>Exhibit Hall Open – Plaza Ballroom (breaks and lunch in exhibit hall)</td>
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<tr>
<td>7:30am to 8:00am</td>
<td>Technical Session II, III-A&amp;B Sign-in Desk – Foyer of Arbors &amp; Juniper Rooms</td>
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<tr>
<td>8:00am to 5:00pm</td>
<td>Tech Session II – “RTK GPS &amp; State Plane Coordinates – Arbors Room</td>
</tr>
<tr>
<td>8:00am to 12:00 noon</td>
<td>Tech Session III-A – “Live from Virginia RTK Net- The GNSS Reference Station Network for High Accuracy GNSS Applications” – Juniper Room</td>
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<tr>
<td>8:30am to 3:00pm</td>
<td>Spouses Program – Off Site – meet in front lobby of hotel</td>
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<tr>
<td>12:00 noon to 1:30pm</td>
<td>Lunch for Tech Sessions II, III-A&amp;B Registrants and Affiliates – Plaza Ballroom</td>
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<tr>
<td>12:00 noon to 1:30pm</td>
<td>Foundation Meeting and Lunch – Plaza Ballroom</td>
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<tr>
<td>1:00pm to 5:00pm</td>
<td>Tech Session III-B – “Live from Virginia – Understanding OPUS” – Juniper Room</td>
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<tr>
<td>3:30pm to 4:30pm</td>
<td>VAS Auxiliary Meeting – VAS Office Elm Room</td>
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<tr>
<td>6:00pm to 7:00pm</td>
<td>Annual Banquet Social Hour – Lower Foyer</td>
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<tr>
<td>7:00pm to 10:00pm</td>
<td>Annual Banquet – Terrace Room</td>
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### Saturday, January 23, 2010

<table>
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<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>8:00am to 11:00am</td>
<td>Convention Registration – Lower Lobby</td>
</tr>
<tr>
<td>8:00am to 12:00 noon</td>
<td>Annual General Membership Meeting – Plaza Ballroom C</td>
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<tr>
<td>12:30pm to 2:00pm</td>
<td>Awards Luncheon – Terrace Room</td>
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its impact on day to day work legally and practically. We will also review the issues you need to consider when using GPS and conventional coordinates in the same project. This will lead us into our discussion of how GPS RTK can now be used many different ways. This workshop will cover the strengths and weakness of the various types of RTK. The new NGS Real Time Standards will also be presented.

Tech Session III A&B - “Live from Virginia!”

IIIA - Morning Session: RTK-Net - The GNSS Reference Station Network for High Accuracy GNSS Applications

Instructors: Chuck Jones, PLS and Greg Perkins, GNSS Networked Reference Station Support Engineer Leica Geosystems, Inc.

Course Outline

- CORS Continuously Operating Reference Stations – Pros & Cons discussed and useful tips will be presented including live examples of best practices
- CORS vs. CO-OP – What is the Real Difference?
- Motivation for Network RTK
- SPIDER – A 21st Century Reference Station Network Solution (Exclusively from Leica Geosystems, Inc.)
- Leica’s Implementation of the Master-Auxiliary Concept
- Cellular Modems- Is it the end of UHF Radios?
- Virginia’s RTK-Net FULL Time RTK Broadcasting Reference Stations
- SPIDER & RTK-Net – The future of Virginia’s RTK solutions for ALL!

111B - Afternoon Session: “Understanding OPUS”

Instructor: Michael W. Cline, Geodesist, Spatial Reference System Division, National Geodetic Survey

OPUS (Online Positioning User Service) is a free Web-based utility that enables users to upload GPS dual-frequency data to the National Geodetic Survey, where the data are post-processed automatically to obtain precise coordinates. OPUS is found at http://www.ngs.noaa.gov/OPUS/

The popularity of OPUS has resulted in new versions, such as OPUS RS (rapid static) that computes geodetic quality coordinates from minutes rather than hours of data, and new add-ons, such as a database where users may publish a datasheet for a single control point or a community base station.

The guiding principle of OPUS is to keep it simple, but users can benefit from a peek at the machinery. Beyond an explanation of OPUS, this workshop provides attendees with the knowledge to evaluate the quality of their own GPS data and to improve the quality of their OPUS-computed coordinates. Attendees will learn how to make OPUS work best for them.

Tech Sessions II and III should each qualify for 8 PDH’s/8 CEU’s of CE Credit for surveyors licensed in Virginia. Maryland surveyors taking either Tech Session II or III would satisfy the Maryland CE requirements for Category B.
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Calendar of Events for 2009 - 2010


VAS Board Meetings —  
Spring Board Meeting — April 23 & 24, 2010, hosted by the Western Chapter  
Summer Board Meeting — June 25 & 26, 2010, hosted by the Monticello Chapter  
Fall Board Meeting — September 17 & 18, 2010, hosted by the Southern Chapter

Registration form available on website www.vasurveyors.org. Contact: Chip Richardson at chip.richardson@jorce.com or Judy Hite at vasoffice@verizon.net.

Land Surveyor Exam Schedule – April 16, 2010, October 29, 2010  
Deadline for Application and Fee – December 18, 2009, June 22, 2010  
Deadline for Exam Fee – March 17, 2010, September 17, 2010

Land Surveyor –B Schedule – April 17, 2010  
Deadline for Application and Fee – December 18, 2009  
Deadline for Exam Fee – March 17, 2010