“Every man is a debtor to his profession.”

THIS ISSUE:  When Was a Road a Road?  
                 Survey Summit  
                 Brokering of Survey Services  
                 2012 Trig-Star Winners
When Was a Road a Road?

A challenge that frequently faces surveyors in the Commonwealth is determining the status of a road. Is it a VDOT road? Was the path through the woods ever a VDOT road? When did a road become a VDOT road? When did a road leave VDOT? Did you ever try to get this information from VDOT? Well, Virginia Surveyors Foundation may have found a way to help you.

Recently the Foundation acquired complete sets of VDOT official County highway maps (including the insert maps) for the years 1932, 1935, 1950, and 1965. 1932 is critical because this shows all the roads taken into the state highway system immediately after the “Byrd Act” legislation and all of the original road numbers. 1935 is important because many changes to the status of roads happened in those first three years. 1950 and 1965 show a nice progression of the status of roads in Virginia. All together there are 476 maps in this collection covering the entire state.

The Foundation has been told we may not sell copies of these maps, but we can solicit donations to support the activities of the Foundation and reward the generosity of our friends by providing a CD with these maps as a token of our appreciation. The primary activities of the Foundation involve supporting education in the form of scholarships, grants, and equipment purchases that are needed by schools (i.e. The John Foster School, East Tennessee State University, etc.).

So, the question is how can you support the Foundation? If you would like to make a donation please send a check made out to the Foundation to:

Virginia Surveyors Foundation, LTD
140 Old Bridgewater Road
Mount Crawford, Virginia 22841

As a token of our appreciation, any donation received that is $30 or larger will receive a CD with the 476 map images in PDF format. We are positive that you will find uses for these in the coming years—especially as it becomes more and more difficult to find someone from within VDOT that knows where to find them. We trust the activities of the Foundation are worthy of your support.

Finally, your officers would be remiss if we did not ask you to consider becoming a member of the Foundation. While many perceive us as an exclusive group of old guys, membership in the Foundation is open to all and the dues are very modest at $125 per year. And our membership application couldn’t be easier. If your name and address are on your check, that is all we need in the way of an application. Please consider becoming a member.

A little birdie told us that R. Cecil Jackson will turn 90 years young on September 11, 2012. Cecil was the president of VAS in 1974. We all want to wish you a Very Happy Birthday!
As I write this article I have just returned from the South Carolina Society of Professional Land Surveyors conference in Myrtle Beach. This will be the last visit I will make to adjoining state society conferences this year. I have traveled to North Carolina, West Virginia, Tennessee, and South Carolina and also been part of an informational exchange with other Mid-Atlantic States hosted by the Maryland Society of Surveyors. While I have enjoyed greatly the opportunity to travel and represent VAS, I have tried to keep my eye on the real reason for such excursions—to learn and bring back to VAS some new ideas and solutions to common problems.

One thing I have learned is that while VAS has been affected by the economic downturn just as has everyone else, we are in better shape than other societies. As a percentage, membership numbers are not off as much for VAS as for many other societies and all of you deserve a thank you for that fact. It’s tough to spend discretionary funds when funds are lower, but being unified as a profession is more important now than ever. We have certainly lost some good members due to circumstances beyond their control and we feel that loss greatly. Other entities are trying to economize also and sometimes it is at the expense of professional services they do not deem essential. It is up to us to make sure the decision makers, both public and private, know that having professional eyes on any project will only make it more cost-effective in the long run.

Mandatory degree requirement, right-of-entry, statute of limitation, mandatory continuing education, storm water regulations, and more are all topics that are either making their way through various legislatures or the boards of the state associations. While not all topics affect surveyors and our clients the same from one state to another or even in different parts of one state, it is helpful to see what effects these things have on the professionals in the direct line of fire or the consumer that ultimately pays the price or reaps the benefit. We must try to determine what works and what doesn’t and observing other states and other organizations can sometimes provide us with a valuable barometer of possible effects for Virginia.

At the halfway point in my tenure as President of VAS, I feel a greater responsibility to leave this office with better relationships and an understanding of what we are trying to accomplish and why it is so important. Thank you all for your efforts and support of VAS.

Will Nash, VAS President
2013 VAS Annual Convention

The 2013 VAS annual convention will once again be held at the Williamsburg Lodge in Williamsburg, Virginia. The convention will begin Thursday, January 31 and end Saturday February 2. On Thursday, there will be two four-hour technical seminars, the Board of Directors’ meeting and opening of the exhibit hall with the President’s Reception. The technical seminars will include refreshments at the breaks and lunch in the Lodge’s main dining room. Everyone attending should make an effort to visit the exhibit hall to see the latest technology our vendors have to offer and show your appreciation for their support of the VAS.

On Friday, there will also be two eight-hour technical seminars along with a dinner in the evening. We will be installing new officers, awarding the winners of the plat contest, and making other presentations during the dinner this year. After dinner, we will host “casino night” which will be similar to what was done last year with a few additional tables since the event was so well attended. All players will be provided play money for gambling and if fortunate enough to win, use their winnings to bid on prizes at the end of the evening. This event was a lot of fun, so come out and test your luck! We’ll wrap up the weekend with the Annual General Membership meeting on Saturday morning.

There will also be an interesting spouse’s program for both Thursday and Friday to include some touring of the historic area and wine tasting event. The Williamsburg Lodge is a wonderful place to stay with plenty of things in the area to do and see. We look forward to seeing everyone there.

For What It’s Worth
David Holland, LS NSPS Governor

This year’s San Diego Esri/ACSM Survey Summit was informationally excellent and well worth the trip. The Survey Summit is a yearly meeting held the weekend prior to the yearly Esri international user’s conference at the San Diego Convention Center. However, there were less than 250 Land Surveyors in attendance at the Survey Summit and around 15,000 attendees at the Esri user’s conference. As the 60’s Buffalo Springfield song For What It’s Worth said, “there’s something going on here but it ain’t exactly clear”, encapsulates the feeling that GIS needs to be taken seriously by the Land Surveying community.

GIS and other new technologies are undergoing a tsunami change, with Cloud Computing data sharing as the driving engine which connects everything from desktop computers, laptop computers, I-phones, I-Pads, Smart phones, data collectors, etc. Also 3-D computing and design will eventually become the norm. Land Surveying as we know it will have to either get on the GIS bus or be left behind in the next few years. As Stephen Blaskey wrote in the current issue of American Surveyor magazine, “GIS is a powerful tool that is currently being underutilized by land surveyors”. The change is happening as we speak and is no longer something happening in the future. Already, Esri plans to release a free topological map of the US (in the next few weeks) good to 30 centimeters (one foot) and soon a world imagery map will be released with one meter resolution. GIS continues to go to the next level at an alarming rate. High definition imagery will have a serious impact on basic land surveying field work applications. Australia and New Zealand are already using miniature UAV Drones (small, unmanned planes) with cameras attached for small photogrammetric jobs with excellent results. I discussed some of this with Esri Global Marketing Manager, Brent Jones, who is re-locating to Herndon, Virginia. I have asked Brent to speak at some of our chapter meetings and would like to see Brent be invited as the keynote speaker for our state convention in Williamsburg.

All this information underscores the importance of bringing the National Land Surveying community into the NSPS membership to stay connected and monitor the changing geospatial profession in order to stay competitive.
OLD WAY:
• Take robotic measurements
• Return to the instrument to collect DR shots
• Realize you forgot a measurement
• Return to the field and collect missing data
• Repeat.
• Take robotic measurements
• Return to the instrument . . .

NEW WAY:
• Take robotic measurements, collect DR shots, & review data overlaid on live video while at the rod
• Return to the instrument
• Done.

Grant Stickler, Land Survey Manager
434.962.3909 or grant_stickler@evsgps.com

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We look forward to seeing you in November!
As the surveying profession is undergoing an evolution of changing technologies and methods to achieve various deliverables and even deliverables themselves, so too is the title insurance industry. After the refinancing boom of the early 2000’s, major title companies have been gobbling up smaller companies to consolidate a multi-billion dollar industry in an effort to increase profits. Because of the present day downturn in the real estate market major title companies are seeking ways to maximize profits in a number of different ways. One of the ways is by lowering their overhead costs. Because of the electronic age more and more searches are done “on-line” rather than at the county clerk’s office. Many of the larger title companies are outsourcing their searching tasks overseas. The other day I needed a deed prior to 1972 in order to complete a survey. Since that particular county clerk’s “on-line” records only go back to 1972, I have to go get it myself.

Another way major title companies are seeking to increase their revenue source is by bundling more and more products and services to offer their customers in previously untapped markets. Everything from employee background checks to environmental due diligence services. The title insurance industry is learning from their big brother, the Health Maintenance Organization (HMO) industry. The HMO industry has become the gatekeeper to your medical care which relegates your doctor to a mere employee of your HMO. To your health care detriment, it is your HMO who decides what medical test or procedure you can have, not your doctor.

The title insurance industry, in following in their big brother’s footsteps (HMO’s), are now offering “Land Surveys” from their “list of providers”. Does that sound familiar? In order to remove the survey exception off their title policy it is THEY and they alone, who will determine if you need an ALTA survey, a boundary survey that meets the minimum standards of the rules and regulations promulgated by that particular state where the survey is performed.

Both the ALTA Survey and the Boundary Survey are prepared so the title insurer can make specific underwriting decisions regarding the deletion of the standard survey exceptions within a title policy. When a title insurance company issues a title policy, the holder of the policy wants these standard exceptions removed. Both types of surveys (ALTA & Boundary) will report on the ground matters of concern in relation to these exceptions. Both types of surveys are certified by the surveyor to the title insurer and other parties to the transaction. This extends the liability to the surveyor for any error or matter not reported or shown. Without the added protection having the survey certified to the consumer (insured), the consumer (insured) would normally not be able to recoup any damages from the surveyor because of privity of contract laws.

Consider the standard title exception pertaining to “….rights, interests or claims of parties in possession not disclosed by the public records.” Even with high-resolution photos, it is virtually impossible to locate property corners and any existing survey ground monuments on an Express Aerial map product. Without an exacting location of property corners, it is impossible to super-impose the property boundary onto the aerial map with any degree of acceptable accuracy. If the boundary cannot be accurately depicted, then the easements locations, which are most likely tied into the boundary cannot be accurately shown. In most instances, there would be questionable situations.
regarding the possibility of encroachments across property lines or into easements. This would be a detriment to the end user relying on this product in much the same way as an HMO not allowing you to have that biopsy. This particular product could be deemed illegal in some states by offering surveying services without being duly licensed.

In cases where the title company is relying solely on their Express Aerial map product they are taking the risk that no claim will arise regarding the issues raised within the standard survey exceptions. There should be questions asked of the title insurer who may be preparing the map product to suit their best interest rather than those of the ultimate property owner or lender. In order to properly protect the consumer (insured) an ALTA Survey or Boundary Survey should be prepared by a Professional Land Surveyor duly licensed in that particular state, most preferably one with adequate errors and omission insurance. The Surveyor would be acting as an independent outside party, that has no interest in any underwriting decision and can accurately report the facts to be reviewed not only the title insurer, but by all parties within the transaction.

The main purpose of the ALTA Survey or the Boundary Survey is to allow the title insurer to delete the standard survey exceptions. But, many other parties within a real estate transaction rely upon the survey and the matters reported thereon during the due-diligence process. The buyer and more importantly their legal counsel who are looking out for their client’s best interests are very concerned about the information revealed on the survey. Not only regarding the matters relating to the deletion of the standard exceptions, but the exacting configuration of the land, matters on the property relating to zoning compliance, restrictions, easements not revealed by public record but observed on the ground by the surveyor.

When the title company uses its Express Aerial map product there is no guarantee to the accuracy of the legal description of record and more importantly, there is no verification of any discrepancy between the recorded legal description and the facts on the ground. On many occasions a legal description is recorded with a typographical error or mathematical error of closure. Without an on the ground survey to check for these discrepancies; gaps, gores or overlaps may inadvertently be created causing a potential claim against the property. On a properly performed ALTA Survey or Boundary Survey, the legal description is revealed and the surveyor must note and show any discrepancy between the record and measured dimensions. Furthermore, the surveyor must report any gap, gore or overlap with adjacent deeds. This will not be disclosed on Express Aerial map product.

Besides title companies offering property surveys from their “list of approved surveyors”, there are a number of survey brokering companies that only offer that service. In reviewing some of the service provider contracts, they don’t allow the professional land surveyor to contact or...
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National Trig-Star Committee Selects Winners of the Richard E. Lomax National Trig-Star and Teaching Excellence Awards

The National Society of Professional Surveyors (NSPS) is pleased to announce the recipients of the 2012 Richard E. Lomax National Trig-Star Awards. The Trig-Star committee met on July 13, 2012 to determine the three top high school students from the national examinations submitted by state winners. This year there were thirty-four state winners submitted.

A past president of NSPS, Richard Lomax was the driving force behind the elevation of the local Trig-Star program to the national level. In October 1994, Board action named this high school trigonometry skill award in his honor.

The Richard E. Lomax National Trig-Star Awards are as follows:

First Place:
Laura Souza Vonessen, Sentinel High School, Missoula, Montana

Second Place:
Sean Phenisee, Graham Kapowsin High School, Graham, Washington

Third Place:
Wilfred Gao, Valley Catholic High School, Beaverton, Oregon

The Richard E. Lomax National Teaching Excellence Awards are as follows:

First Place:
Sue Dolezal, Sentinel High School, Missoula, Montana

Second Place:
David Andersen, Graham Kapowsin High School, Graham, Washington

Third Place:
Kipp Johnson, Valley Catholic High School, Beaverton, Oregon

The first place student receives $2,000, second place student receives $1,000, and third place student receives $500. The first place teacher receives $1,000, second place teacher receives $500, and third place teacher receives $250. The Trig-Star Policy states that “the National Student and Teacher Awards be given to the winning students at or before the next state professional land surveying organization conference of the student’s home state.

The following is a list of the remaining State Winners in the order of finish:

Camille Robbins, North Carolina
Shi-ke Uxue, Iowa
Nicholas Agia, Pennsylvania

Sachith Gullapalli, Virginia
Joe Barton, Illinois
Zhengyuan Ma, Hawaii
Alyssa Abraham, Missouri
Taylor Morris, Tennessee
Ngan Phung, New Jersey
Brett Loertscher, Utah
Thomas Cleary, New Hampshire
Jordan Goldstein, Maryland
Erik Oder, Alaska
Marimar Velez Ruiz, Puerto Rico
Stephan Hu, Indiana
Daniel Brown, Alabama
Francis A.W. Allen, Georgia
Kim Chung, California
Cooper Blas, Idaho
Apolonio Martinez III, Colorado
Devin Vancleef, New York
Urmil Patel, Ohio
Kyle Satterstrom, Wisconsin
Yinshuo Zhang, Minnesota
Angela Zhang, Texas
Cal Salisbury, Michigan
Anthony Abbazia, Connecticut
Nicholas Sunkler, Delaware
Macy Morrison, Maine
Seth Lubbers, Kansas
Yang Si (Sienna), Nevada

The Richard E. Lomax National Trig-Star and Teaching Excellence Awards are a few of several annual NSPS awards. For more information about the NSPS awards and scholarship programs, please contact NSPS, 5119 Pegasus Court, Frederick, MD 21704, (240) 439-4615, e-mail: Trisha Milburn at trisha.milburn@nsps.us.com, or visit the NSPS web site at www.nsps.us.com.
Brokering, continued from page 7

communicate with the end user client at all. This is not only unethical, it is illegal in many states.

Some of the advertised services these re-invented “Real Estate Due Diligence” companies offer include: Land Title surveys, Elevation Certificates, Flood Zone Determination Certificates, Express Aerial Maps (that have the tax map and/or deed plotting super-imposed), Zoning Reports, Geotechnical Reports, Phase I & II Environmental Reports, As-Built Surveys and the list goes on and on. Many of these services are offered in violation of state licensing laws.

In reviewing some of the disciplinary actions of a number of state licensing boards throughout the country, I have noticed that several have sent out “cease and desist” orders to these companies. One large title insurance company that does over a billion dollars a year in revenue had their attorneys send a letter back to one licensing board stipulating that they were not “offering survey services”, they were merely “coordinators of survey services”. I suspect these companies view these “cease and desist” orders as nothing more than mosquito bites. Some of these “coordinators of survey services” companies could very well be in violation of federal RESPA laws. Some states are using “back door” regulations by disciplining licensees for doing any work for these companies.

What has your state done to curb or regulate this assault on the consumer? What has your state professional organization or the National Society of Professional Surveyors done to lobby for badly needed legislation to protect the consumer?

ABOUT THE AUTHOR:

William E. McGrath, PLS, is a Riparian Consultant that specializes in New Jersey Tidelands issues relating to grants, licenses, tidelands claims and waterfront land use. He is a N.J. Licensed Professional Land Surveyor and is currently Vice President of the New Jersey Society of Professional Land Surveyors. He was chosen as “Surveyor of the Year” by that organization in 2010. He has authored many articles in national professional publications (e.g. Professional Surveyor Magazine 11/10 http://www.profsurv.com/magazine/article.aspx?id=70829)
Bob Farmer of the Rappahannock Chapter was the winner of the Spring Golf Tournament held at the Spring VAS Board of Directors Meeting. The tournament took place at the Kiln Creek Golf Course on April 13, 2012. Congratulations, Bob!

In Memoriam

PERCIVAL PORCHER, GREGG, JR.

Percival Porcher Gregg, Jr. (Shay) passed away June 16, 2012. Shay had so many accomplishments during his life. Among them he was founder and president of the Southeastern Association of Land Surveyors and one of the founders of the National Society of Professional Land Surveyors. He received numerous awards from the American Congress on Surveying and Mapping. Shay was president of VAS in 1965 and a member of the Tidewater Chapter. He will be missed by his family and his many friends.

ROBERT M. PASLEY

Robert M. Pasley (Bob) passed away July 15, 2012. Bob was one of our long-time affiliate members, Automated Engineering & Surveying Systems. He supported VAS for many years and always with a smile. He will be missed by his family and friends.

BILL KELLY

Bill Kelly has also passed away. John Sehl worked for him at Patton & Kelly, now known as Patton, Harris & Rust.
Calendar of Events for 2012 - 2013

2012 VAS Board Meetings and Seminars
September 21 & 22 - Shenandoah Chapter Hosting


Exam Dates for Surveyors—

Central Chapter: Crab Feast, Hanover Ruritan Park, Saturday, September 29, 2012, 11:00 a.m. to 3:00 p.m., contact: jamie.pruett@baydesigngroup.com.

Monticello Chapter: October 18, 2012, Annual Banquet, Charlottesville. Contact Jeff Dise at jeff@khals.net.