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To be posted as Frequently Asked Question on Board's website

**Can a Professional Engineer (PE) certify a site plan which references a property line determination that was previously completed by a Professional Land Surveyor (PLS)?**

Answer: No, except in the limited circumstances set forth below.

Although state law allows a PE qualified in civil engineering to perform land surveying work incidental to his or her engineering work, such as topographical measurements, the law clearly states that a PE cannot make property line determinations. See M.G.L. c. 112, s. 81D. As stated in Board regulation 250 CMR 5.01, "the delineation of existing or proposed structures, features or Boundaries relative to property lines requires the determination of property lines and therefore must be performed by a Professional Land Surveyor." When a PE obtains an electronic or hardcopy of a pre-existing survey plan and adds his or her engineering work to that plan, the PE is representing where the property line exists relative to his/her work for the purpose of the PE's engineering project. However, the PE cannot be certain that the pre-existing survey accurately reflects the current conditions of the property and is sufficiently reliable to be used for the PE's current project. For example, potential issues with the prior survey include:

- a. boundary lines have changed since date of survey;
- b. a survey of adjacent property conflicts with prior survey;
- c. overburden of survey for different purpose (e.g. mortgage inspection survey)
- d. not in conformance with rules of evidence and 250 CMR
- e. court decree overturning prior survey
- f. legitimate claims of occupation and encroachments.
- g. on-site construction after date of prior survey.

For this reason, except in the limited situation described below, a PE cannot certify a site plan showing property lines.

The only exceptions to the above-stated rule are when: (1) the PE consults with the PLS who performed the prior survey and that PLS confirms that the survey information on the filed plan reflects current conditions of the property and is sufficiently reliable to be used for the purpose of the PE's project and PLS stamps the land surveying work or (2) the surveyor is a member of the project development team or the survey was specifically commissioned for the engineer's project.

