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South Carolina Department of Labor, Licensing and Regulation

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GUIDELINES ON SPATIAL DATA COLLECTION FOR SURVEYS

Pursuant to S.C. Code Ann. § 40-22-2 (1976, as amended), it is the policy of this State and purpose of this Board to promote accountability of the surveying practice in a global economy and to protect the health, safety, and welfare of South Carolina citizens by supporting licensure as the basis of accountability. The law provides that the practice of surveying includes "planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, the space above the earth, or part of the earth, and the utilization and development of these facts and interpretation into an orderly survey map, site plan, report, description, or project." S.C. Code Ann. § 40-22-20(26) (1976, as amended).

The Standards of Practice Manual for Surveying in South Carolina ("the Manual"), S.C. Reg. 49-400 et seq., promulgated by this Board, is intended to establish minimum standards for the practice of surveying in this State. "Survey" is defined as the "orderly process of determining data relating to the physical characteristics of the earth, which may be further defined according to the type of data obtained, the methods and instruments used, and the purpose(s) to be served." S.C. Reg. 49-430(C)(13). The accuracy of the measurements for a survey are based upon the character of the land, the type of survey and the current use of the land. S.C. Reg. 49-440(A). "Accurate" means the "degree of accuracy consistent with the standards and tolerances specified" in the Manual. S.C. Reg. 49-420(A)(2). The Manual provides for the Unadjusted Ratio of Precision and the Relative Positional Accuracy required for different types of surveys. S.C. Reg. 49-440.

Because of the degree of accuracy required for establishing the location of a feature, object, or boundary, the collection of spatial data for projects or purposes involving the practice of surveying or engineering shall be conducted either by a licensed surveyor or under the direct supervision of a licensed surveyor, regardless of the technology or method employed. "Direct supervision" is defined as "a clear-cut personal connection to the project or employee supervised, marked by firsthand knowledge and direct control and assumption of professional responsibility for the work." S.C. Code Ann. § 40-22-20(8) (1976, as amended).

S.C. Code Ann. § 40-22-290 (1976, as amended) identifies several work product exclusions from the practice of TIER A surveying, including:

(7) the creation of maps and databases depicting the distribution of natural or cultural resources prepared by foresters, geologists, soil scientists, geophysicists, biologists, geographers, archeologists, historians, urban and regional planners, or other individuals qualified to prepare such maps as long as any property boundaries shown are either supplied by a professional surveyor or transcribed

from public deed or plat records converted from tax maps or cadastre, or are clearly not intended to serve as legal property boundaries

The exclusion cited above, along with the other pertinent exclusions listed in the statute, do not in any way authorize the use of spatial data collected for such purposes (or the work product created therefrom) to be used or relied upon in any surveying or engineering project in this State. The Board may issue cease and desist orders for the unlicensed practice of surveying or engineering to individuals who, under guise of any exclusion, offer such information for use as an accurate location to be relied upon by the public. Likewise, any licensed surveyor or engineer who accepts such information from an unlicensed person, who is not under the direct supervision of a surveyor, may be subject to discipline by this Board.

The use of spatial data from unlicensed individuals is of particular concern with respect to wetland surveys and Geographic Information System (GIS) Surveys, defined and governed by S.C. Reg. 49-430(C)(23) and S.C. Reg. 49-460, respectively. At the same time, the Board acknowledges that spatial data provided by a government agency can be depicted as long as the source of the information is disclosed and denoted as not surveyed within the plat or report.

Approved by the Board on November 12, 2019