

CIVIL SOURCE

ASCE UTAH SECTION NEWSLETTER

MAY 2022 • ISSUE 1 • VOLUME 8



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PRESIDENT'S MESSAGE

by Mark Chandler, PE, PG, CFM

Happy May everyone. For those of you with kids in school, you may feel like you are looking down the barrel with summer fast approaching. But with summer comes what is often the busiest time of year for many of us in the Civil Engineering world. As that time is coming quickly, so does my time as the Section President. I know that I have not been the best president we have ever had. Far from it. I look at many others I have known in the past and that I have the privilege of working with right now. But one thing I have always tried to do is to learn specific principles and processes to improve myself and the work that I do. This past year I have continued to learn a couple of these. First of all, continued learning and networking not only improve my ability to do my job, but it also improves my enjoyment of my career. While we may all work hard to deliver the best design, seeing a project completed and seeing the benefit to our clients is one of those things that provides enjoyment. That is because interpersonal relationships, despite our often introverted nature, are significantly important. The people I have had the opportunity to work with other leaders in ASCE has been of great value to me. As I see, work with, compete against and interact with these individuals, I am continually impressed by each of you and pushed to be better in everything I do. And that is an important part of ASCE. The purpose is to continue to improve the profession. We attempt to do that through education (both of engineers and the public), through community involvement, through networking. During this time in our industry, I have heard so many that I am busier than I have ever experienced in my 20, 30, or 40 years in the industry. But I would encourage everyone to be careful to not neglect the personal side of our industry. Engage with clients, engage with other engineers, engage with each other and you will strengthen yourself and enjoy the career that you are building. I am so proud to be a civil engineer in this state with all of you and I want to thank all of those in leadership and in the general membership that have supported us in all we have done.

I am looking forward to see many of you at the Section meeting on June 3rd. We have a great meeting planned and it will be great to be with you. Please, if you can, try to join us in Cedar City and kick off a great summer. I want to announce that Gene Shawcroft, P.E., General Manager of the Central Utah Water Conservancy District will be coming down to speak to us about drought conditions in the west and the state of the Colorado River Basin. Gene has a wealth of experience and knowledge in this extremely complicated and challenging area that significantly impacts our entire state and the region surrounding us with regards to water, economy, politics, energy, etc. If you absolutely can't make it to Cedar City on June 3rd, you won't want to miss this online. All I can say is REGISTER FOR THE ANNUAL MEETING!!! You won't regret it. See you then.

TECHNICAL ARTICLE

PLAN REVIEW CHANGES

by Conrad Guymon, PE, SE

Who is responsible, and who should be notified when changes are made?

It has been reported that stamped engineering documents are being altered during the plan review process and returned to the permit applicant for construction without the licensee in responsible charge of those documents being notified. The reported modifications have been made by both licensed and unlicensed individuals. A review of Utah State Code has been made to find justification for this practice. The applicable code sections follow with additional commentary added after each code section.

APPLICABLE SECTIONS FROM UTAH STATE CODE

Utah Code 106-6-160 (1)(e) (i) "Plan review" means all of the reviews and approvals of a plan that a city requires to obtain a building permit from the city with a scope that may not exceed a review to verify:

(A) that the construction project complies with the provisions of the State Construction Code under Title 15A, State Construction and Fire Codes Act;

(G) that the construction project received a structural review;

Commentary: The term "plan review" refers to reviews conducted by building officials relative to building codes. It must not be confused with or substituted for the term "substantive review" in Utah's Land Use, Development, and Management Act, which is currently undefined.

Commentary: The term structural review is defined by Utah Code 106-6-160. If the scope of a structural review exceeds the items listed by code, the review must be performed by a licensed engineer.

Utah Code 106-6-160 (4) A city may not enforce a requirement to have a plan review if:

(a) the city does not complete the plan review within the time period described in Subsection (3) (a) or (b); and (b) a licensed architect or structural engineer, or both when required by law, stamps the plan.

Commentary: A plan review for plans prepared and sealed by an engineer or architect in responsible charge may not be required if the city does not complete the plan review within a specified time period.

Utah Code 106-6-160 (5) (a) A city may attach to a reviewed plan a list that includes:

(i) items with which the city is concerned and may enforce during construction; and

(ii) building code violations found in the plan. (b) A city may not require an applicant to redraft a plan if the city requests minor changes to the plan that the list described in Subsection (5)(a) identifies.

Commentary: State Code prescribes attaching a list to a reviewed plan that includes building code violations found in the plan. It does not indicate that the marking of additions or corrections on a document is permissible, whether or not prepared by a licensee in responsible charge. The statutory language is "if the city requests minor changes to the plan...." It does not state that the city is authorized to make minor changes to the plan.

Utah Code 58-22-102 (9) defines the practice of Professional Engineering. (9) (a) "Professional engineering," "the practice of engineering," or "the practice of professional engineering" means a service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to the service or creative work as consultation, investigation, evaluation, planning, design, and design coordination of engineering works and systems, planning the use of land and water, facility programming, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications; any of which embraces these services or work, either public or private, in connection with any utilities, structures,

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buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and including other professional services as may be necessary to the planning, progress, and completion of any engineering services.

Utah Code 58-22-102-(16)) "Supervision" means that a licensed professional engineer, professional structural engineer, or professional land surveyor is responsible for and personally reviews, corrects when necessary, and approves work performed by an employee, subordinate, associate, or drafter under the direction of the licensee.

Commentary: Supervision is required for unlicensed individuals practicing engineering without possessing a valid license to do so. The review of plans prepared for a project requiring engineering falls within the practice of engineering as "investigation, evaluation...and design coordination of engineering works and systems...." This means that the technical review of plans by unlicensed individuals must be supervised in accordance with Utah State Code, and that the supervising licensed professional is responsible for the work of the unlicensed individual. This in harmony with the review of items of a technical nature noted in 106-6-160.

Utah Code 58-22-501 Unlawful Conduct. (4) engaging in the practice of engineering, structural engineering, or surveying as set forth in Subsections 58-22-102(9), (11), and (14), if the person has not been licensed under this chapter, except as provided in Section 58-1-307 or Subsections 58-3a-304(1)(b) through (f);

Commentary: Performing more than a structural review as noted in 106-6-160 1 (h) would constitute a technical review that a licensed engineer conducts. Performing a technical review by an unlicensed individual without Supervision by a licensed engineer would be unlawful conduct. Performing a technical review without the necessary technical education and experience would be practicing engineering outside the individual's area of expertise. This is unprofessional conduct.

Utah Code 58-1-307 Exemptions from licensure. (d) an individual residing in another state and licensed to practice a regulated occupation or profession in that state, who is called in for a consultation by an individual licensed in this state, and the services provided are limited to that consultation;

Commentary: This section may apply if the reviewer is located outside the State of Utah. Note the requirement that the consultation must be requested by an individual licensed in this state. There are no other exemptions that would permit unlicensed practice of engineering by a person, whether located inside or outside the State of Utah.

2018 International Building Code Section 105.4, "The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction."

Commentary: The issuance of a permit does not grant authority to violate codes and ordinances, whether code violations were identified before or after the permit was issued.

APPLICABLE SECTIONS FROM NCEES MODEL RULES (A NATIONAL STANDARD FOR ENGINEERING PRACTICE)

The following statements have been taken from the NCEES Model Rules.

NCEES Model Rules 240.15 B. Licensee's Obligation to Employers and Clients:

2. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their responsible charge.

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Commentary: Sealing requirements are governed by Utah State Code 58-22-602. Documents must be sealed only by the licensee in responsible charge.

NCEES Model Rules 240.15 C. Licensee's Obligation to Other Licensees

4. Licensees shall make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, or welfare of the public, unless such reporting is legally prohibited.

Commentary: The purpose of a plan review is to determine compliance with adopted codes and ordinances. Given this purpose, comments made during plan review should include notifications of "material discrepancy, error, or omission that may impact the health, safety, or welfare of the public...." Returning comments to the Registered Design Professional is both customary and required.

NCEES Model Rules 240.20 Seal on Documents:

F. Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions.

SUMMARY AND CONCLUSIONS:

The following points are clear regarding changes made to documents containing the seal and signature of a licensee. These laws apply regarding the practice of professional engineering. The same principles are likely to apply regarding other licensed professions, including surveying and architecture.

- *Revisions shall be described and dated if made by the original licensee.*
- *Unlicensed individuals may not make revisions to a document signed and sealed by a licensee in responsible charge.*
- *If revisions are not done by the original licensee (i.e. by a plan reviewer), they must be signed and sealed by the licensee in responsible charge of those revisions.*
- *Responsibility and liability for changes to documents resides with the licensee making those changes.*

Plan review comments may not be marked directly on a document prepared by the licensee in responsible charge unless properly described, dated, and sealed by the engineer in responsible charge of those revisions. In essence, the plan reviewer becomes the licensee in responsible charge of any redline changes made and takes control of and responsibility for those changes.

Plan review comments may not be marked directly on a document prepared by a licensee in responsible charge by an unlicensed person. An unlicensed reviewer that makes changes to a document bearing the seal of a licensee is engaging in the practice of engineering without possessing a license to practice a restricted profession. This is in violation of State Code.

If items needing correction are identified during a plan review, the reviewer must prepare a list of items to be attached to the plan in accordance with Utah Code 10-6-6-160 (5) (a). The documents with attached list should be returned to the licensee in responsible charge to be addressed. The practice of making changes directly on a document sealed by a licensee in responsible charge without notifying the licensee and taking responsibility for those changes is both unethical and in violation of Utah State Code.

CENTRAL UTAH BRANCH UPDATE

By: Mitchell Smith, EIT

Our previous luncheon was on Thursday, April 28th. The branch toured the Provo River Delta Restoration Project hosted by Melissa Stamp and Scott Winterton. Those that wish to follow the progress of the project can do so here: <https://www.provriverdelta.us/>

May's luncheon will be on Thursday, May 26th at 12pm. Whitaker Construction will be presenting on their company and the projects they have completed. The venue is TBD at this time. If any members would like their company to host, please reach out to me.

For future luncheons, if any members of the branch would like the opportunity to present one of their projects, would like to recommend a friend to present, or have a topic you'd like to have us find a speaker for, please reach out to me at mitsmith@provo.org. Thanks.

NORTHERN UTAH BRANCH UPDATE

by Weston Bellon

I think we are all grateful to be meeting in person again. It has been great to see everyone again over the last few months. For May, we will be touring the Water Lab on the Utah State University campus on May 23rd. There will be two tours; one at 11:00 and one at 12:00 with 15 available openings for each tour so space is limited. Check your emails for the RSVP invitation. It was sent on May 9th.



SOUTHERN UTAH BRANCH

By: Clint Merrell, PE, CFM

In March we held our annual Spring Conference with the Southern Utah Branch of the American Public Works Association (APWA). At the conference we heard from various presenters from UDOT, the Washington County Water Conservancy District (WCWCD), Ash Creek Special Service District, and more. We held a round table discussion with mayors of various cities in Washington County where we received updates from each mayor on projects in their cities and heard their perspectives on various infrastructure related topics.

Our branch also presented the following awards at the conference:
Engineer of the Year – Aaron Anderson, PE, Bowen Collins and Associates



Engineering Innovation Award:

Warner Valley Tank Project, Bowen Collins and Associates (Engineer), Washington County Water Conservancy District (Owner).



Engineering Innovation Award:

Warner Valley Tank Project, Bowen Collins and Associates (Engineer), Washington County Water Conservancy District (Owner).

We do not have plans yet for May, but if you have a project or topic that you want to see presented at a luncheon, or want to volunteer to help our branch, email us at asce.southern.utah@gmail.com. We are working on scheduling a legislative update with Michael Smith from ACEC, at the end of June. It's been a while since we have had an update from ACEC so we hope this will be well attended. We will send out more details and signup info from our normal mailing list.

If you want to be added to our mailing list to be notified of our events and announcements, sign up at <http://eepurl.com/hb34TT>.

Clint Merrell
Southern Utah Branch President



ASCE WRYMC

Park City, UT
2022

LOCATION & DATES

Park City, UT
July 8 - 10, 2022

HOTEL ACCOMMODATIONS

DoubleTree by Hilton
Park City - The Yarrow

1800 Park Ave
Park City, UT 84064
435-649-7000

Rate: Single/Double \$149/night
+ Taxes and Fees

Make reservations in ASCE Room Block:
<https://group.doubletree.com/k4hj96>



Hotel Reservation Cutoff Date: June 16, 2022

HELLO, GRADUATING STUDENT MEMBERS OF ASCE,

ASCE Salt Lake City Younger Member Forum is excited to host the 2022 Western Younger Member Council annual general meeting for Regions 8 & 9 (WRYMC). The meeting includes 2-days of professional development programming traditionally offered by the ASCE Committee on Younger Members at the Younger Member Leadership Symposium (YMLS). We are looking forward to welcoming Council delegates and other attendees from Regions 8 & 9 to this year's YMC+ in Park City, Utah!

This year ASCE is offering a special invitation to graduating students. Students graduating in Spring 2022 are eligible. A subsidized student rate (half price) is being offered to offset the cost to attend. Further, students may apply for travel reimbursement to this event.

WRYMC Chair: Taylor Hall
taylor@moabgeo.com | 435-120-8282

WRYMC Website:
www.asceutahymf.com/wrymc22

EVENT HIGHLIGHTS

Technical Tours

Tour #1

- Park City Water Reclamation Facility
- Friday, July 9th at 4:00 PM
- Location: Start from hotel
- Transportation: By foot
- Registration is FREE

Tour #2

- Spiro Tunnel Rehabilitation
- Friday, July 8th at 4:00 PM
- Location: Start from hotel
- Transportation: Shuttle Van
- Registration is FREE

Conference Events

Local Sponsors Area and Marketing Event

- Conference Room features 30 spaces for local sponsors and vendors to showcase their company and projects
- July 8-10
- Location: Hotel
- Registration is FREE

Friday Night Event

- Main Street Social
- Friday, July 8th at 6:00 PM
- Location: Park City Main Street
- Transportation: By foot
- Registration is FREE

Younger Member Awards Banquet

- Dinner Awards Banquet with entertainment by local personality Matt Roblez, followed by dancing.
- Saturday, July 9th
- Location: Hotel Ballroom
- Registration is \$75

Post Conference Event

- Details TBA
- Sunday, July 10th

REGISTRATION INFORMATION

- **\$80 Early Bird Registration** - Ends June 10, 2022
 - **\$100 Regular Registration** - Ends July 1, 2022
 - Last Day for Cancellation and Refund - July 1, 2022
 - Last minute call-in registration can be made after July 1 by contacting youngermemeber@asce.org
- The rate is \$125/person.

Register Here!



<https://www.asceutahymf.com/wrymc22>

July 8-10

ASCE WRYMC

Park City, UT
2022

CONFERENCE



Featured Keynote Speaker
Blaine Leonard, PE, F.ASCE
Transportation Technology Engineer at UDOT

Our vehicles are becoming increasingly automated, gradually taking some of the driving functions away from the human driver. Systems are evolving which allow the vehicle and the infrastructure to communicate. What do the sensors see? When the cars talk to the roadside, what are they talking about? How will this change transportation and other systems in society? Will this be safer? How are government agencies preparing to provide the features, data, and reliability that the vehicle needs? We'll discuss what is being done, and what needs to be done to make this future transportation system possible, and how we will all be involved and impacted.

Friday, July 8: Breakout Sessions, Technical Tours, and Social

Saturday, July 9: Breakout Sessions, Keynote Speaker, and Banquet

Sunday, July 10: Breakout Sessions and Closing Remarks

For more information, please visit
www.asceutahymf.com/wrymc22

SPONSORSHIP

Bronze - Sponsorship of \$500+

Attendance by one individual from your organization and organization name will be displayed on event informational materials

Silver - Sponsorship of \$750+

Attendance by one individual from your organization and organization name will be displayed on event informational materials, and booth space will be provided

Gold- Sponsorship of \$1000+

Attendance by two individuals from your organization and organization name will be displayed on event informational materials, booth space provided, distribution of your organization's promotional materials, and attendance at Saturday evening awards banquet

Platinum- Donation of \$2000+

Attendance by three individuals from your organization and organization name will be displayed on event informational materials, booth space provided, distribution of your organization's promotional materials, attendance at Saturday evening awards banquet, and other interactive marketing opportunities