

LOUISIANA PROFESSIONAL ENGINEERING  
AND LAND SURVEYING BOARD  
9643 Brookline Avenue, Suite 123  
Baton Rouge, Louisiana 70809

**RULING ON PETITION FOR DECLARATORY ORDER**

1.

On June 19, 2013, Mark Smith (“Petitioner”) filed with the Louisiana Professional Engineering and Land Surveying Board (the “Board”) a petition for declaratory order and ruling pursuant to LAC Title 46:LXI§727.

2.

Petitioner seeks a declaratory order as to whether a professional land surveyor is required to “physically locate the corner points of a tract of land that will be crossed by a proposed right of way” in Louisiana.

3.

LAC Title 46:LXI§2909(A) defines a “route survey” as “a survey for determining the route of a proposed pipeline, power line, cable, road or other linear facilities, excluding flood protection levees, in order to acquire a right-of-way, servitude or easement from the property owner being crossed”.

4.

LAC Title 46:LXI§2903(A) defines a “right-of-way” as:

[A]ny strip or area of land, including surface, overhead, or underground, encumbered by a servitude. Rights are typically granted by deed for access or for construction, operation and/or maintenance purposes, according to the terms of the grant.

5.

LAC Title 46:LXI§2903(A) defines a “servitude” as:

[A]n interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. A servitude restricts but does not abridge the rights of the fee owner to the use and enjoyment of his/her land. The term *easement* is often used interchangeably with *servitude* and generally means the same thing.

6.

When performing a route survey, a professional land surveyor is required to locate sufficient evidence, on the ground, to determine the location of all boundary lines that will be crossed by the proposed right-of-way, servitude or easement. LAC Title 46:LXI§2903(B)(2).

**ORDER**

After due consideration of the petition for declaratory order and ruling filed by Petitioner and after discussion by the Board during its meeting on July 22, 2013:

**IT IS THE RULING** of the Board that:

7.

When performing a route survey in Louisiana, a professional land surveyor is not necessarily required to physically locate the corner points of a tract of land that will be crossed by a proposed right-of-way. However, the professional land surveyor is required to locate sufficient evidence, on the ground, to determine the location of all boundary lines that will be crossed by the proposed right-of-way.

**THUS DONE** at Baton Rouge, Louisiana, on the 22 day of July, 2013.

**LOUISIANA PROFESSIONAL ENGINEERING  
AND LAND SURVEYING BOARD**

By:

Miles B. Williams, P.E.  
MILES B. WILLIAMS, P.E., Chairman