

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 134, regarding the licensing of registered professional land surveyors, and specifically §134.31, relating to Educational Requirements for Applicants. These proposed changes are referred to as "proposed rules."

BACKGROUND AND SUMMARY

The rules under 22 Texas Administrative Code, Chapter 134 implement Texas Occupations Code, Chapter 1001, the Texas Engineering Practice Act and Texas Occupations Code Chapter 1071, the Professional Land Surveying Practices Act. The proposed rules address the educational requirements for some applicants for a surveyor-in-training certificate and the educational requirements for all applicants to become a registered professional land surveyor beginning on January 31, 2026.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §134.31 to update the educational requirements for certain applicants for a surveyor-in-training certificate and all applicants to become a registered professional land surveyor. The Professional Land Surveying Practices Act requires applicants for a surveyor-in-training certificate that hold an associate degree or bachelor's degree in anything other than surveying to have, in a combination acceptable to the board, at least 32 hours of formal education in one of seven categories: civil engineering, land surveying, mathematics, photogrammetry, forestry, land law, and physical sciences. After review and consultation with the surveying community, the Board has determined updates in the acceptable combination of 32 hours of formal education is warranted. Land surveying is unquestionably a highly technical field that requires registrants that practice this field have a minimum competency to offer land surveying services to the people of Texas.

To ensure applicants education best prepares them to be competent registered professional land surveyors, the Board proposes to require applicants have at least nine hours of education in land surveying, at least three hours of education in land law, and at least six hours of education in mathematics. The remaining 14 hours of required education can be of any combination of the seven categories found in the Professional Land Surveying Practices Act. Additionally, the proposed rules establish definitions for the seven educational categories found in the Professional Land Surveying Practices Act to provide additional clarification to applicants.

To not adversely impact current students or people already in the process of becoming licensed, the proposed updates will apply to anyone who has not already applied for a surveyor-in-training certificate as of January 1, 2026.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Mr. Michael Sims, P.E., Director of Compliance and Enforcement for the Board, has determined that for each year of the first five years the proposed rules are in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Mr. Sims has determined that for each year of the first five years the proposed rules are in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT

Mr. Sims has determined that the proposed rules will not affect the local economy, so the agency is not required to prepare a local employment impact statement under Government Code §2001.022.

PUBLIC BENEFITS

Mr. Sims has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be increased competency in registered professional land surveyor applicants achieved by ensuring that the applicants have adequate formal education in land surveying specific topics.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Sims has determined that for each year of the first five-year period the proposed rules are in effect, there may be a small, but currently unquantifiable, cost to some applicants for a surveyor-in-training certificate or registration as a professional land surveyor.

The proposed rules differ from the current rules by establishing minimum educational requirements in three categories: land surveying, land law, and mathematics. Any applicant with an associate degree or bachelor's degree in surveying is anticipated to meet the proposed requirements with no further action. However, an unknown number of applicants with an associate or bachelor's degree in anything other than land surveying may need to take additional courses to meet the proposed requirements. The actual cost is unknown as it will vary depending on how many courses are needed and the cost per course at the institute of higher education the applicant chooses to take the courses to meet the proposed updated requirements. To allow time for sufficient planning by applicants, the proposed rules will only apply to people beginning the registration process after January 1, 2026.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rules are not subject to the requirements of Government Code §2001.0045 because the Board is a self-directed, semi-independent agency. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rules. For each year of the first five years the proposed rules are in effect, the agency has determined the following:

1. The proposed rules do not create or eliminate a government program.
2. Implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rules do not require an increase or decrease in fees paid to the agency.

5. The proposed rules do not create a new regulation.
6. The proposed rule does not expand an existing regulation but does adjust the educational requirements within the existing framework of the Professional Land Surveying Practices Act.
7. The proposed rules do not increase the number of individuals subject to the rule's applicability.
8. The proposed rules do not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Board has determined that no private real property interests are affected by the proposed rules and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under Government Code §2007.043.

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rules are not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Board asserts the proposed rules are not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, Texas Board of Professional Engineers and Land Surveyors, via email to rules@pels.texas.gov; or via mail to 1917 S. Interstate 35, Austin, Texas 78741.

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§1071.253 and 1071.254.

CERTIFICATION OF LEGAL AUTHORITY

The agency certifies the rule has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

STATUTORY AUTHORITY

The proposed rules are proposed pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Texas Engineering Practice Act and the Professional Land Surveying Practices as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

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134.31. EDUCATIONAL REQUIREMENTS FOR APPLICANTS

(a) Applicants for certification as a surveyor-in-training shall have graduated from at least one of the educational programs or program combinations listed in §1071.253 of the Surveying Act.

(1) For the purpose of meeting the requirements found in §1071.253(a)(2)(A) or §1071.253(a)(4)(A), the courses listed in subparagraphs (A) – (C) of this paragraph must be taken in order to be eligible for a surveyor-in-training certificate:

(A) a minimum of 9 semester hours (13.5 quarter hours) of land surveying. For the purposes of this chapter, land surveying courses acceptable to the board may include, but are not limited to, the topics of basic surveying, advanced surveying, route surveying, engineering surveying, geospatial engineering, and geodesy.

(B) a minimum of 3 semester hours (4.5 quarter hours) of land law. For the purposes of this chapter, land law courses acceptable to the board may include, but are not limited to, the topics of legal principles of surveying, boundary surveying evidence and boundary analysis, and Texas specific laws impacting land surveying. Courses focusing primarily on real estate laws are not acceptable to the board.

(C) a minimum of six semester hours (nine quarter hours) of mathematics. For the purposes of this chapter, mathematics courses acceptable to the board may include, but are not limited to, land surveying math, college algebra, trigonometry, analytical geometry, differential and integral calculus, linear algebra, numerical analysis, probability, statistics, and advanced calculus.

(2) For the purpose of meeting the requirements found in §1071.253(a)(2)(A) or §1071.253(a)(4)(A), the board provides the following definitions:

(A) Civil engineering courses acceptable to the board include, but are not limited to, courses that address the design, construction, and maintenance of the physical and naturally built environment.

(B) Photogrammetry courses acceptable to the board include, but are not limited to, courses that address the science and technology of obtaining reliable information about physical objects and the environment through the process of recording, measuring and interpreting photographic images and patterns of electromagnetic radiant imagery and other phenomena and includes the topic of remote sensing.

(C) Forestry courses acceptable to the board include, but are not limited to, courses that address the science of developing, caring for, or cultivating forests.

(D) Physical science courses acceptable to the board include, but are not limited to, courses that study the non-living world, including physics, geology, physical geography, astronomy, chemistry, and geographic information systems (GIS).

(3) The education provisions found in paragraphs (1) and (2) of this subsection shall apply to any applicant for a surveyor in training registration after January 1, 2026.

(b) Applicants for registration as a registered professional land surveyor shall have graduated from at least one of the educational programs or degree program combinations listed in §1071.254 of the Surveying Act.

(1) For the purpose of meeting the requirements found in §1071.254(a)(3), the courses listed in subparagraph (A) – (C) of this paragraph must be taken, as part of the qualifying degree or in addition to the bachelor or associate degree program, in order to be eligible for a surveyor-in-training certificate:

(A) a minimum of 9 semester hours (13.5 quarter hours) of land surveying. For the purposes of this chapter, land surveying courses acceptable to the board may include, but are not limited to, the topics of basic surveying, advanced surveying, route surveying, engineering surveying, geospatial engineering, and geodesy.

(B) a minimum of 3 semester hours (4.5 quarter hours) of land law. For the purposes of this chapter, land law courses acceptable to the board may include, but are not limited to, the topics of legal principles of surveying, boundary surveying evidence and boundary analysis, and Texas specific laws impacting land surveying. Courses focusing primarily on real estate laws are not acceptable to the board.

(C) a minimum of six semester hours (nine quarter hours) of mathematics. For the purposes of this chapter, mathematics courses acceptable to the board may include, but are not limited to, land surveying math, college algebra, trigonometry, analytical geometry, differential and integral calculus, linear algebra, numerical analysis, probability, statistics, and advanced calculus.

(2) For the purpose of meeting the requirements found in §1071.254(a)(3), the board provides the following definitions:

(A) Civil engineering courses acceptable to the board include, but are not limited to, courses that address the design, construction, and maintenance of the physical and naturally built environment.

(B) Photogrammetry courses acceptable to the board include, but are not limited to, courses that address the science and technology of obtaining reliable information about physical objects and the environment through the process of recording, measuring and interpreting photographic images and patterns of electromagnetic radiant imagery and other phenomena and includes the topic of remote sensing.

(C) Forestry courses acceptable to the board include, but are not limited to, courses that address the science of developing, caring for, or cultivating forests.

(D) Physical science courses acceptable to the board include, but are not limited to, courses that study the non-living world, including physics, geology, physical geography, astronomy, chemistry, and geographic information systems (GIS).

(3) The education provisions found in paragraphs (1) and (2) of this subsection shall apply to any applicant for a registered professional land surveyor who applied for a surveyor in training registration after January 1, 2026.

(4) If the surveyor in training registration was waived for an applicant from an out-of-state registration holder in accordance with the provisions found in §134.25 of this chapter (relating to Application from Out-of-State Registration Holders), the education provisions found in paragraphs (1) and (2) of this subsection shall apply to any applicant for a registered professional land surveyor received after January 1, 2026.

(c)-(d) no change