



February 15, 2024

Mr. Charles Culbertson, P.E.
Vice President, Market Sector Leader
Windward Engineers & Consultants
Via e-mail

Re: Formal Response to Request for Policy Advisory Opinion Regarding The Design of Lighting Systems and Controls

Dear Mr. Culbertson:

The Texas Board of Professional Engineers and Land Surveyors (Board) met in public session on February 15, 2024, and approved this response to your request, dated November 6, 2023.

Request:

You seek guidance on the following issues:

- Are individuals or firms that design lighting systems and/or controls for commercial or industrial projects engaging in the practice of engineering? Further, if the lighting design work is not the practice of engineering and an engineer is engaged to include said design work into the engineer's signed and sealed work product, do Board rules allow the engineer to seal the lighting design that they did not originate themselves nor were in responsible charge of its creation?

Response:

Section 1001.003(b) of the Texas Engineering Practice Act (the Act) defines the "practice of engineering" as an offer or attempt to perform any public or private service or creative work, the adequate performance of which requires engineering education, training, and experience in applying special knowledge or judgement of the mathematical, physical, or engineering sciences to that service or creative work.

The question of if the design of lighting systems or controls constitutes the practice of engineering must be considered on a case-by-case basis. If the design criteria is only being done based on aesthetics or other non-technical bases, the design would not be the practice of engineering. However, if the design includes a review for code compliance, such as the National Electric Code, International Energy Conservation Code, or National Fire Protection Association standards, the design most likely would be the practice of engineering.

If an engineer were asked to incorporate a lighting design that had not already been reviewed for health and safety impacts and compliance with the aforementioned codes and standards, the engineer could incorporate this design into a signed and sealed work product and still be compliant with the Act and Board rules upon completing these analyses.

It is common practice for a client to approach an engineer with a general design concept in mind and engage the engineer to use his or her expertise to ensure that the final design is protective of the

public's health, safety, and welfare. The engineer engaging in this type of work is ethical and consistent with the expectations of how a professional engineer conducts business.

Conclusion:

No new Policy Advisory Opinion will be developed for this request.

If you have any further questions, please contact Mr. Michael Sims, P.E., Director of Compliance & Enforcement at 512.440.7723.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Kinney". The signature is fluid and cursive, with the first name "Lance" and the last name "Kinney" clearly distinguishable.

Lance Kinney, Ph.D., P.E.
Executive Director

LK:MZS