



August 14, 2026

Mr. Payton Mettler
Oncor
Via e-mail

Re: Formal Response to Request for Policy Advisory Opinion Regarding Subsurface Utility Engineering and How It Fits Within the Practice of Engineering and Professional Surveying (Engineering Policy Advisory Request No. 74 and Surveying Policy Advisory Request No. 1)

Dear Mr. Mettler:

The Texas Board of Professional Engineers and Land Surveyors (Board) met in public session on August 13, 2026 and approved this response to a policy advisory opinion request from you dated October 10, 2025.

Request:

You seek guidance on the following issues:

- Does a professional engineer need to sign and seal subsurface utility engineering (SUE) deliverables, or can this work can be done by a registered professional land surveyor (RPLS)?
- Is the professional (engineer or land surveyor) who can do SUE-related work dependent on the utility quality level as designated in American Society of Civil Engineers (ASCE) Standard 38-22, entitled *Standard Guideline for Investigating and Documenting Existing Utilities*?

Response:

The term “subsurface utility engineering” does not appear to be formally defined in the Texas Engineering Practice Act (Chapter 1001 of the Texas Occupations Code), the Texas Surveying Act (Chapter 1071 of the Texas Occupations Code) or any other Texas law or statute. Generally speaking, SUE is a specialized process that identifies, maps, and manages risks associated with underground utilities (such as water, sewer, gas, power, and telecommunications lines) before construction, using a combination of record review, geophysical surveying, utility detection, and excavation methods in an attempt to locate utilities and prevent costly delays, strikes, and design conflicts in projects once they reach the construction phase.

Section 1001.004 of the Texas Engineering Practice Act (the Engineering Act) states that only a professional engineer licensed in Texas may engage in the practice of engineering on projects located in Texas.¹ Section 1001.003 of the Engineering Act defines the “practice of engineering” to include:

- consultation, investigation, evaluation, analysis, planning, engineering for program management, providing an expert engineering opinion or testimony, engineering for testing or evaluating materials for construction or other engineering use, and mapping;
- design, conceptual design, or conceptual design coordination of engineering works or systems; (3) development or optimization of plans and specifications for engineering works or systems;

¹ Subchapter B of the Texas Engineering Practice Act does exempt certain professionals engaged in specific tasks to be exempt from being licensed even if they conduct tasks that clearly otherwise would be considered the practice of engineering.

- planning the use or alteration of land or water or the design or analysis of works or systems for the use or alteration of land or water;
- responsible charge of engineering teaching or the teaching of engineering;
- performing an engineering survey or study;
- engineering for construction, alteration, or repair of real property;
- engineering for preparation of an operating or maintenance manual;
- engineering for review of the construction or installation of engineered works to monitor compliance with drawings or specifications;
- a service, design, analysis, or other work performed for a public or private entity in connection with a utility, structure, building, machine, equipment, process, system, work, project, or industrial or consumer product or equipment of a mechanical, electrical, electronic, chemical, hydraulic, pneumatic, geotechnical, or thermal nature; or
- providing an engineering opinion or analysis related to a certificate of merit under Chapter 150, Civil Practice and Remedies Code; or
- any other professional service necessary for the planning, progress, or completion of an engineering service.

Section 1071.251 of the Professional Land Surveying Practices Act (the Surveying Act) establishes that a person may not engage in the practice of professional surveying in Texas unless the person is a Texas registered professional land surveyor. The Surveying Act further defines professional surveying as the practice of land, boundary, or property surveying or other similar professional practices. The term includes:

- performing any service or work the adequate performance of which involves applying special knowledge of the principles of geodesy, mathematics, related applied and physical sciences, and relevant laws to the measurement or location of sites, points, lines, angles, elevations, natural features, and existing man-made works in the air, on the earth's surface, within underground workings, and on the beds of bodies of water to determine areas and volumes for: (i) locating real property boundaries; (ii) platting and laying out land and subdivisions of land; or (iii) preparing and perpetuating maps, record plats, field note records, easements, and real property descriptions that represent those surveys; and
- consulting, investigating, evaluating, analyzing, planning, providing an expert surveying opinion or testimony, acquiring survey data, preparing technical reports, and mapping to the extent those acts are performed in connection with acts described by this subdivision.

The Engineering Act and Surveying Acts are clear that only professional engineers can engage in the practice of engineering in Texas and only registered professional land surveyors can engage in the practice of professional surveying in Texas.

Based on research, it appears that SUE encompasses a wide variety of tasks and there are aspects of SUE that could fall to an engineer as they meet the definition of the practice of engineering, could fall to a surveyor as they meet the definition of professional surveying, or could fall outside of the statutorily defined practices of both engineering and professional surveying.

Tasks that are not clearly the practice of engineering or the practice of professional surveying would fall outside of the Board's jurisdiction. However, if an entity wishes to engage only a professional engineer or a professional land surveyor for tasks outside of the Board's jurisdiction, that is the entity's prerogative.

Regarding questions on different utility quality levels found in ASCE Standard 38-22, it is our understanding that ASCE is actively working on updating both this standard and ASCE Standard 75-22, entitled *Standard Guideline for Recording and Exchanging Utility Infrastructure Data*. It should be noted that these standards are set by ASCE, an independent organization, and are not part of Texas statutes or Board rules and are not adopted by or directly endorsed by the Board. As these standards are currently under review and not an official Board publication, the Board declines to opine on the requestor's question on ASCE Standard 38-22 at this time.

Conclusion:

No new Policy Advisory Opinion will be developed for this request as the Act and Board rules adequately address the questions posed at this time. The Engineering Act clearly defines the "practice of engineering" and limits such practice to a professional engineer. The Surveying Act clearly defines "professional surveying" and limits such practice to a registered professional land surveyor.

However, the Board recognizes that questions remain on the overall topic of subsurface utility engineering and intends to further study the issues and engage with stakeholders to potentially develop additional guidance as warranted.

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 last name "Kinney" clearly distinguishable.

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

LK:MZS