

Texas Board of Professional Engineers
Policy Advisory Opinion Regarding Record (As-Built) Drawings
August 15, 2006

Executive Summary: The Texas Board of Professional Engineers (Board) frequently gets asked questions regarding record (as-built) drawings for construction projects. The Board has determined pursuant to the Policy Advisory Opinion process outlined in the Texas Administrative Code, Title 22, Part 6, Chapter 131, Subchapter G, these questions can be answered based on the present statute and rules. Signing and sealing record (as-built) drawings is not generally an issue for public works projects since the Texas Engineering Practice Act (Act) requires a professional engineer to design and provide direct supervision of the engineering construction. Some projects may start out as a private construction project and then are later annexed by a municipality and become a public works project (water treatment facilities, subdivision infrastructure, etc). The city then requires that the record drawings be signed and sealed by a professional engineer. If the professional engineer was not involved in the construction phase of the project, they are very limited in what they can sign and seal. An engineer will only be able to attest to the accuracy of the drawings based on what they can actually confirm or observe after the fact. An engineer may include a caveat on the drawings with a notation stating their limited responsibility.

Statutory language: § 1001.407. Construction of Certain Public Works

The state or a political subdivision of the state may not construct a public work involving engineering in which the public health, welfare, or safety is involved, unless:

- (1) the engineering plans, specifications, and estimates have been prepared by an engineer; and
- (2) the engineering construction is to be performed under the direct supervision of an engineer.

Public works: The Board has identified specific examples of projects that are considered public works. The attorney general has issued several opinions that include the following definition:

The term “public works” embraces all construction and improvements, ordinarily of a fixed nature, designed for public use, protection or enjoyment. Clearly included among public works are bridges, school buildings, waterworks, dams, sewers, canals and channels, levees and sea walls, wharves and piers, irrigation, reclamation and drainage projects, and highways and streets.

An engineer is required for the direct supervision of construction on all public works projects. These engineers are allowed to seal as-built drawings. Public works projects that do not meet the exemptions listed in the statute require the involvement of a licensed professional engineer.

What construction drawings would be exempted under the Act? In Subchapter B of the Act there are several sections that provide exemptions from the licensing

requirements when working on building projects. Specifically, §1001.053 contains some specific exemptions from the Act for public works projects, depending on the type of project and monetary value. Also, §1001.056 lists specific building projects for the private sector when an engineer is not required to be involved with the building project. Therefore, projects of this type would not require the involvement of a license professional engineer.

Discussion: The Board frequently gets asked whether record (as-built) drawings need to be sealed by a professional engineer. There are situations in which an engineer may not be involved in the direct supervision of a construction project, but an official may require the “as-built” plans to be sealed. An engineer will only be able to attest to the accuracy of the drawings with a notation as to what he can actually confirm or observe. An engineer should not seal a record drawing that represents changes that he did not actually observe during construction. The Board does not consider documentation of what was actually constructed to be engineering. An engineer may include a caveat on such drawings with a notation, similar to that shown below, as to what he can actually confirm based on the information he can obtain through observation, interviews, samples, and other useful information. As an alternative he may choose to seal and sign a cover letter stating what he has determined to be “as-built” through his own research and attach it to the drawings or plans. The caveat should include the location of the signed and sealed design drawings. An example caveat may be written as follows:

This record drawing is a compilation of a copy of the sealed engineering drawing for this project; modified by addenda, change orders, and information furnished by the contractor. The information shown on the record drawings that was provided by the contractor or others not associated with the design engineer cannot be verified for accuracy or completeness. The original sealed drawings are on file at the offices of...

Conclusion: Professional engineers should inform their clients that an engineer is required to be involved in direct supervision of the engineering construction for public works projects as noted in the statute, Section 1001.407. Engineers should recommend to their clients that a licensed professional engineer be engaged to provide direct supervision of construction projects for private works that affect human health and safety. There are a number of projects that may become public through annexation or other means such as underground utilities and infrastructure, which directly affect public health and safety. In addition, development that occurs near urban areas needs professional engineering involvement during construction since the municipality will later require sealed record drawings. Licensed professional engineers are not obligated to seal record drawings. An engineer has the option of sealing the drawings with or without the caveat but can only seal what they personally observed or supervised.