



December 5, 2022

Mr. Xavier Chapa, P.E., R.P.L.S.  
1425 W Pioneer, Ste 107  
Irving, TX 75061  
Via e-mail

Re: Formal Response to Request for Policy Advisory Opinion Regarding Third-Party Plan Reviewers Working on Behalf of a City; (Policy Advisory Request No. 59)

Dear Mr. Chapa:

The Texas Board of Professional Engineers and Land Surveyors (Board) met in public session on November 17, 2022, and approved this response to your request, dated August 1, 2022.

**Request:**

You seek guidance on the following issues:

- Are third-party reviewers hired by city in Texas required to be professional engineers to review plans prepared by a professional engineer?
- Do Board rules allow third party reviewers to impose conditions on plans prepared by a professional engineer, and if so are the reviewers required to justify these conditions if it is believed the conditions are not necessary and are needlessly costly?
- Are third party reviewers subject to the same rules as practicing professional engineers?

**Response:**

The Texas Engineering Practice Act (Texas Occupations Code Chapter 1001) and associated Board rules do not require one must be a professional engineer to review the work of a professional engineer for code compliance. As such, there is no requirement that one must be a professional engineer, either working directly for or on behalf of city, to review plans prepared by professional engineers for code compliance. However, if a reviewer engages in the practice of engineering, as defined in Texas Occupations Code §1001.003(c), he or she must be licensed as a professional engineer as required by Texas Occupations Code §1001.004(c)(1) or work under the direct supervision of a professional engineer as detailed in Board Rule §131.2(22).

Regarding if third party reviewers can impose conditions on plans and if such conditions must be justified, the Board has no jurisdiction over the review processes employed by a city. If you have concerns about the review comments provided by a city, you should contact the city directly with these concerns.

**Conclusion:**

No new Policy Advisory Opinion will be developed for this request as the question is addressed by the Act.

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:asm