



STATE BOARD OF REGISTRATION FOR
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INFORMATIONAL BULLETIN 2003.01

GUIDELINES REGARDING THE PRACTICE OF MUNICIPAL ROAD/STREET ABANDONMENTS

June 2003

To: State Agencies/ Municipalities

RE: Violations of RIGL 45-22.2-4 through 45-22.2-13(RI Land Use Act) and 5.8.1 through 5.8.1.19 (Land Surveying Registration Act).

Dear Sirs/Madams:

This Board has been made aware of the fact that certain cities and towns are preparing their own road/street abandonment maps. We understand that the maps are not being prepared by a duly registered Rhode Island Professional Land Surveyor nor are appropriate subdivisions being prepared in accordance with RIGL 45-22.2-4 through 45-22.2-13. Also, that municipalities are accepting plans and subdivisions which are being prepared by individuals and firms that do not have a current COA in force.

The Board would like to bring to your attention that under RIGL 5.8.1 through 5.8.1.19, it is unlawful for any person, company, partnership, State agency, city or town to engage in the practice of land surveying without having a Rhode Island registered Professional Land Surveyor in responsible charge of the land surveying activities. Additionally, the person or legal entity engaged in land surveying must have a current Certificate of Authorization (COA) to practice land surveying. RIGL 5.8.1-4(f) "The board of professional land surveyors is hereby authorized in the name of the state to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of this chapter, or to restrain any violations thereof. In such proceedings, it shall not be necessary to allege or prove, either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof. The members of the board shall not be personally liable under this proceeding."

Under RIGL 45-22.2-4 through 45-22.2-13 it is unlawful to modify a boundary line without going through the necessary procedures for compliance with this statute (i.e. administrative and/or minor subdivision). Certainly, you would agree, that "a road abandonment" constitutes a boundary line change and therefore, the overall procedure falls under this statute. State agencies and municipalities are not exempt from these laws.

Please note some observations and determinations made by this board:

- **Abandoned Street Map Preparation:**
 - o Constitutes a Minor Subdivision under RIGL 45-22.2-4 through 45-22.2-13 ...the creation of new parcels of land...
 - o Subsequently, the abandonment causes an Administrative Subdivision under RIGL 45-22.2-4 through 45-22.2-13 as amended, by the merging of the newly created parcels with abutting lots.
 - o Under RIGL 5.8.1 through 5.8.1.19 as amended, the preparation of the subdivision maps shall be prepared, stamped, signed, and dated by a duly registered professional land surveyor. In addition, easements are created because of a road abandonment, which then requires metes and bounds descriptions to be prepared. The Board mandates that the descriptions shall be prepared by a duly registered professional land surveyor.
 - o Under rules and regulations promulgated by this Board, a Professional Land Surveyor, when preparing road abandonment's, shall perform a Class I survey of the road. Since portions of abandoned road will be conveyed, this class of survey is mandated. The survey must comply with the "Procedural and Standards For The Practice Of Land Surveying In The State of Rhode Island And Providence Plantations", Effective April 1, 1994, as amended.

RIGL 5.8.1 through 5.8.1.19 as amended, requires that all cities, towns, state and local agencies and their employees "...comply with and enforce..." this statute. Because we find that compliance and enforcement is greatly lacking, this informational bulletin is being sent to you. We would hope that you would consider this matter significant enough for you to institute some immediate changes. May we also suggest that you distribute this communiqué' to all departments which you feel should be made aware of these concerns. A suggested distribution list includes legal counsel, planners, engineers, building/zoning officials and any other entity that may receive surveys, subdivisions and topographies while executing their rightful duties.

The following, is a guide that may be of assistance in determining whether or not your city/town/department is complying with the herein referenced statute:

- **Permitted practice of land surveying:**
 - o Rhode Island State agencies and municipalities are not exempt from RIGL 5.8.1 through 5.8.1.19.
 - o Please take special note of the following sightings: RIGL 5-8.1.13 "Permitted practices"; 5-8.1.14 "non-permitted practices"; 5-8.1-17 "Violations and penalties"; 5-8.1-17b "...duties of ..." and 5-8.1.18 "Public works".
 - o These statutes are available through the Board's and the Rhode Island Secretary of State's websites.

Cooperation in this matter is greatly appreciated. For your convenience, the Board may be reached via telephone, e-mail, or regular mail for any assistance you may require.

Respectfully,

Louis Federici, PLS
Legislation Committee Chair