

FREQUENTLY ASKED QUESTIONS

GENERAL QUESTIONS:

1. *Why does the Department have to begin the implementation of signing and sealing technical documents prior to the July 1, 2010 date as established in the Code of Virginia?*

Response: The Department asked the Department of Professional and Occupational Regulation (DPOR) on June 15, 2006 to interpret the Code of Virginia Article 54.1-402.1 on whether professionals employed by the Department were exempt from signing and sealing professionally developed documents prior to the July 1, 2010 date. DPOR provided the Department its finding in a letter dated September 8, 2006 that professionals employed by the Department were required to sign and seal the documents they supervised or developed at this time. Professionals are regulated by DPOR and must follow the regulations governing their profession no matter where they are employed.

Upon receiving DPOR's finding the Department established a committee responsible for determining the impact of the ruling and began the effort of establishing the practice for professionals to sign and seal their work within the Department.

2. *When will the Department begin the implementation of the signing and sealing requirement?*

Response: It is the Department's intent to begin implementation of professionals signing and sealing the work they supervise and develop beginning July 1, 2009. The Department is currently procuring the services of a software vendor specializing in electronic signatures. We are on schedule to meet the July 1, 2009 deadline.

3. *Who will be required to sign and seal documents?*

Response: The Department, as of August 2008, has designated 425 positions as responsible person positions.

This requirement only pertains to the following professionals: Professional Engineer, Land Surveyor and Certified Landscape Architect.

Each Division and District is responsible for establishing who is in a Responsible Person Position with concurrence by the Chief Engineer. This list of professionals is a living document and will change over time.

Designated positions must meet DPOR's regulations of direct supervision and time on location.

4. *What type of documents will be required to be signed and sealed?*

Response: The White Paper entitled “Virginia Department of Transportation Professional Licensure Sealing and Signing Committee White Paper“, dated November 2, 2007, has identified all the technical documents that are required to be signed and sealed. Guidelines are being developed by each of the technical Divisions on how these documents are to be signed and sealed. These guidelines are to be made available by Winter 2009.

5. *What is expected of those employees currently in a responsible person position but Exempt by the Code once the implementation occurs?*

Response: Employees who currently hold a responsible person position and do not hold a professional license will be required to sign the document being prepared under their supervision in the designated location as described in the Divisional guidelines. Accompanying the signature will be the wording “Exempt by Code Article 54.1-402.1”.

6. *Will those designated in a responsible person position receive an adjustment in pay once the implementation goes into effect?*

Response: Employees in designated responsible person positions will not receive a pay adjustment.

7. *How were the positions identified as being a responsible person position?*

Response: Identifying the number of positions affected by the DPOR September 2006 ruling was a mandate for the original signing and sealing committee. The white paper entitled “Virginia Department of Transportation Professional Licensure Sealing and Signing Committee White Paper“, dated November 2, 2007, identifies the type of documents required to be signed and sealed. This led to the determination of the number of positions required to be designated as responsible person positions. The Division and District Administrators made the determination of what positions required the responsible person designation. The designated responsible person position list is managed and approved by the Chief Engineer.

8. *What does the July 1, 2009 date mean for plan submissions?*

Response: RAAP projects with an advertisement date of December, 2009 will be the first projects affected by the implementation requirements. Plan sheets will be required to be signed and sealed by the cutoff date as shown in Column 2 of the CUT-OFF DATES FOR ADVERTISEMENT OF CONSTRUCTION AND MAINTENANCE PROJECTS chart. Revisions to the plan sheets can be made as directed by the Scheduling and Contract Division after this date and the plans re-signed and sealed and resubmitted by the cutoff date as shown in Column 9 of the chart.

All other designated documents will be signed and sealed in accordance with the guidelines provided by respective Divisions starting July 1, 2009.

9. *What if you are in the development phase of the project and the format of the documents do not match that of the newly created guidelines come July 1, 2009?*

Response: Documents in the development phase that have yet to reach the ROW submittal phase of concurrent engineering process by July 1, 2009 shall be required to change to the new format. Documents that are past the ROW submittal phase will require the professional to sign and seal the document in the most convenient location on the document in order to best meet the established guidelines.

10. *Will the Department require every plan sheet to be signed and sealed as is required by DPOR?*

Response: Yes, the Department will conform to the requirements set forth in the DPOR regulations concerning plan sheet signing and sealing. It is the Department's interpretation that each plan sheet requires signing and sealing. Signing and sealing other technical documents will follow guidelines being developed by the Department. These guidelines will be available in Winter 2009.

11. *How are the documents going to be signed and sealed?*

Response: The technical divisions are developing guidelines on how the designated technical documents are to be signed and sealed. These guidelines will be available by Winter 2009. In addition, the Department is procuring a software vendor in order to electronically seal plan sheets and Microsoft Office documents. The software is to be available in Winter 2009. Training will be conducted in the Winter of 2008 for all those in designated responsible person positions.

12. *A former employee (retired or working for a new employer) is being sued as part of a court case against the Department of Transportation. This employee is being singled out because he was the professional who signed and sealed the work he developed as an employee of the Department. How do our liability rules (Department of Treasury, Division of Risk Management Certificate of Coverage) apply to this former employee? Will the Commonwealth represent this former employee in court and pay for any compensation judged against this employee?*

Response: When a former state employee is named as a defendant in a tort suit, the Department of Risk Management (DRM) requires the former employee to sign a form requesting coverage under the state's liability risk management plan and agreeing to cooperate in defending the suit (DRM has a form for this purpose). As long as the former employee does so and is otherwise covered under the terms of the plan (e.g., no willful or malicious acts or acts outside the scope of employment or authorization), he or she would be covered in the event of a settlement or judgment.

As for legal representation, that is up to the Attorney General's office. VDOT's experience is that most Assistant Attorneys General assigned to such a case will either require the former employee to have signed DRM's form or request that the former employee send the AG's office a letter requesting representation.

13. *How are Regulations 18 VAC 10-20-740 Professional Responsibility Part D and E interpreted for the following two scenarios?*

* *A set of roadway plans are developed by Engineer "A". After the plans have been signed and sealed for construction by Engineer "A", Engineer "A" becomes no longer employed by the firm (death or volunteered separation). During construction, changes to the design are required as a result of field conditions. Can a qualified professional make the changes in the field?*

* *A set of roadway plans are developed by Engineer "A". Engineer "A" is still employed by the Department. Changes in the field are required. Based on time constraints and the required changes the field engineer wants to make changes to the design and authorize the work to be performed.*

Response: DPOR responded with the following response in an email dated August 26, 2008. "Regarding your next question, the answer to both scenarios is yes as long as they meet the requirements outlined in 18 VAC 10-20-760 A."

14. *Is there going to be an attempt to marry positions with “the lists” in White Paper?*

Response: No, there are no plans to marry positions with the lists in the White Paper.

15. *Will EWP’s need to be modified to reflect the designated responsible person language?*

Response: Yes, all employees designated in a responsible person position will require language to be added to the EWP’s. The Human Resource Division will be coordinating with supervisors to make the appropriate adjustments.

16. *If a designer has an error/omission, what responsibility does the Project Manager have in that regard?*

Response: The Project Manager (PM) is responsible for the management of the project. The PM is not responsible for the contents of the design unless he/she was directly involved in the design effort. The engineer of record retains the responsibility related to technical issues.

17. *Can we use a rubber stamp to seal documents?*

Response: Rubber stamps can be used on technical documents. Electronic seals and digital certificates are required for all plan sheets.

18. *Will consultants have to provide the same product as VDOT...digitally?*

Response: Yes, Consultants performing work for the Department will need to conform to the new VDOT guidelines.

19. *Plans developed for State Force implementation – Do these “plans” need to be sealed?*

Response: Yes, all technical documents outlined in the White Paper as needing to be signed and sealed are required to be signed and sealed no matter for whom they are developed for.

20. *What if a consultant (or VDOT) designer’s recommendation is not followed?*

Response: If the designer’s recommendation is not followed, the individual making the decision not to follow the recommendation has now taken on the responsibility of that decision. Disagreements must be resolved and “seal-worthy” before further actions are taken. Significant changes to the original designer’s intent will require the changes to be signed and sealed. Thus, the individual making the changes is now being held accountable.

21. *Do we need to add more time to the cutoff schedule at column 2? Should the signing and sealing requirement be postponed to column 4?*

Response: The Committee considered several opportunities in the cutoff schedule of where to place the signing and sealing requirement. It was determined that column 2 was the best location since the Department wants the plans to be considered 100% complete at column 2. The amount of time currently provided appears to be reasonable to achieve the signing and sealing process. This can be re-examined in the future if problems are observed. There is a tendency for designers to continue working on drawings even after they are submitted; therefore, by having the plans signed and sealed at column 2, additional work would be limited to that requested by the Scheduling and Contract Division.

22. *What about studies? Residencies request drainage fixes all the time. Do we need to sign/seal those “studies”?*

Response: The White Paper entitled “Virginia Department of Transportation Professional Licensure Sealing and Signing Committee White Paper“, dated November 2, 2007, has identified all the technical documents that are required to be signed and sealed.

23. *The White Paper does not seem to address who is to sign/seal a design...a PE required position, OR someone closer to the actual design if they are licensed? For example, if a designer is licensed but his position is not designated as a PE required position, will he be required and/or allowed to sign/seal his work? If he is required to sign/seal his work, but his position is not a designated PE position, what HR related issues are we going to have?*

Response: The White Paper makes the following recommendation “VDOT should designate to the highest level of responsible charge that still meets the requirement of direct supervision outlined in the DPOR’s Regulation.” The intent was to reduce the impact to the Department by identifying the minimum number of positions required to be in a responsible person designation.

The Committee chose to provide flexibility to the Division and District Administrators who will be responsible for meeting DPOR regulations. Some Administrators may choose to push the responsibility down to the lowest level and others keep it up at the highest levels. These decisions will be based on the current make up of employees under their control and the documents designated to be signed and sealed.

Professionals who are being asked to sign and seal work for the Department need to be in a designated responsible person position.

24. Can we phase out No Plan signing and sealing requirement?

Response: Over time, the requirements for what needs to be signed and sealed will be re-examined; however, at this time, it is the decision of the Committee to require No Plan submissions to be signed and sealed.

25. Who signs a No Plan submission if a Residency does not have a professional engineer on staff?

Response: DPOR 18 VAC 10-20-780 states “Each named professional shall exercise direct control and personal supervision of the work being offered or practiced at the place of business for which he is named. Each named professional shall be responsible for only one location at a time. A named professional may be responsible for more than one location provided that he is resident at the place of business during a majority of the hours of operation at each location.”

Therefore, unless a professional can be stationed in the residency a majority of the hours of operation, the plans should not be signed by a professional. This leads to the requirement of having a professional on staff or not developing plans in the Residency.

26. Should there be multiple signatures on a No Plan submission? How are elements that are not within ones technical specialty handled?

Response: The committee has recommended that only one signature is required for a No Plan submission. The individual developing the No Plan submission is required to sign and seal the document. From a technical stand point, No Plan submissions should not have any engineering involved. The reality is that these submissions do have some type of engineering involved; therefore, the committee required all No Plan submissions to be signed and sealed.

Elements that are not within one’s technical specialty should be signed and sealed by the engineer developing the technical specialty. For example, a hydraulic element is required in the No Plan submission but the coordinator does not have knowledge of this specialty and therefore cannot sign and seal this effort. The coordinator should have the hydraulic engineer sign and seal their computations.

27. DPOR requires the professional to provide the professional’s seal, original signature, date and discipline. What should be the discipline for Residency professional?

Response: The professional should use the discipline of Civil Engineer.

28. *How many VDOT offices will need to be registered with DPOR?*

Response: The Committee is working with DPOR and the Office of the Attorney General on what the Department's requirements are regarding this issue.

29. *The White Paper indicates that Standard Sheets are required to be signed. Please explain how and why.*

Response: The Committee made the decision for all Standard sheets that require engineering to be signed and sealed by the designer of record and the professional using the Standard.

The reasoning is that the Designer of Record is taking responsibility for the actual design and the Engineer who is using the Standard sheet is acknowledging the Standard Sheet meets the requirements of the project and the design conditions. For example, if a box culvert Standard Sheet is designed by in-house personnel, this Standard Sheet provides a table of multiple box culvert sizes and reinforcing steel schedules. The original designer would sign and seal this sheet. The Engineer chooses to use the Standard Sheet and designate a 10'x10' box culvert for the project; therefore, the Engineer is accepting responsibility for the decision to use the 10'x10' box culvert and is required to sign and seal the Standard Sheet.

All Standard Sheets developed prior to July 1, 2009 are considered to be "grandfathered" in and will not require a seal of the designer of record to be attached. However, all Standard Sheets developed or modified after July 1, 2009 will be required to be signed and sealed by the designer of record and kept on file in the Central Office.

30. *Since Districts are set up different, what if person has a PE and not in a responsible person position? Can they Sign & Seal?*

Response: Yes, any professional can sign the work for which they develop or have direct supervision and oversight; however, if the Districts decide that an individual who is not in a designated responsible person position is needed to sign and seal technical documents, the Districts need to designate that position as a responsible person position.

31. *Can the seal process be used for other areas like Title Sheet signatures? Can we use seals on PD-100 and others division forms?*

Response: Yes, in the future the Department will begin to move forward with other applications of the digital certificates; however, at this time, the Department is only looking at the implementation on the signing and sealing of technical documents involved in the plan development process.

32. The white paper indicates Design Exceptions are required to be signed and sealed. Why does it require the District S&B and L&D Engineer to sign and seal but not the State L&D or S&B Engineer who provide final approval? Do design waivers need to be signed and sealed?

Response: It should be the responsibility of the party who is requesting the substandard design to sign and seal the Design Exception, not the individual who is approving it. If a licensed engineer is requesting to design below AASHTO standards, they must be willing to seal their work.

The District L&D and S&B Engineers have the expertise, have direct control over the project development and provide the resources to accomplish the design effort. No one knows better than the design engineer how a substandard design element will affect a project.

For plans developed by consultants, the consultant should sign and seal the Design Exception.

The State L&D and S&B Engineers have the responsibility for approval of a design exception. Their review is to ensure consistency in Design Exceptions across the Commonwealth, to provide another set of eyes on a design issue, to provide suggestions for possible solutions to the sub-standard condition and to remove the potential conflict associated with the relationship of District personnel and elected officials.

Design waivers are not required to be signed and sealed.

33. Does the Code of Virginia and DPOR's regulations require a PE to sign and seal their work even if they are in a non-responsible person position?

Response: The DPOR regulation 18 VAC 10-20-760 states "*An appropriately licensed or certified professional shall apply a seal to final and complete original cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the professional or someone under his direct control and personal supervision.*"

Based on this regulation, a supervisor, who is a professional engineer, who is providing direct control and supervision over the work being created by the professional in a non-responsible person position, can sign and seal the work; therefore, it is not a requirement that the professional developing the work needs to sign and seal their work when another professional is providing direct control and supervision of the work being developed.

34. When Department personnel review documents (land use permits, subdivision approvals, etc.) prepared by non-department personnel, are VDOT personnel responsible for the designs if they approve the documents for construction.

Response: No, Department personnel do not accept responsibility of a design just because they approved the project to move forward. The designer of record, the individual who signs and seals the design, is responsible for the work they create. VDOT's review and approval is basically stating that the document is in conformance with VDOT guidelines and is acceptable to move forward in our process.

35. Situation: The Department has a very political project that must go to advertisement. The design is in poor shape and is not ready for advertisement. The professional is being pressured to sign and seal the work in order to meet the political pressure. What should the professional do?

Response: The professional should never bow to pressure when the product is not ready for construction. The professional should work with Department personnel for a reasonable solution that does not compromise the professional's judgment or endanger the safety of the public. Design issues need to be addressed and proper communication of all the issues need to be relayed to the Department's leadership.

DPOR's regulation 18 VAC 10-20-690 states "*The primary obligation of the professional is to the public. The professional shall recognize that the health, safety, and welfare of the general public are dependent upon professional judgments, decisions, and practices. If the professional judgment is overruled under circumstances when the health, safety, and welfare, or any combination thereof, of the public are endangered, the professional shall inform the employer or client of the possible consequences and notify appropriate authorities.*"

DPOR's regulation 18 VAC 10-20-760 B. 2 states "*Incomplete plans, documents and sketches, whether advance or preliminary copies, shall be identified on the plan, document or sketch and need not be sealed, signed or dated.*"

It is of most importance that proper communication and planning be provided for these situations. The professional must always keep in mind that by signing and sealing a document they are accepting personal responsibility for the contents of that document; thus, they risk the loss of their license if they improperly affixed their seal. Therefore, the use of a seal comes with great responsibility and should never be taken lightly.

Those employees in a leadership position must support the professional and at the same time, the professional must recognize the position the leadership is in and make every attempt to find a reasonable solution.

36. Situation: *What are some of the issues surrounding a set of plans that are inherited by a professional prior to the plans being signed and sealed by the original designer? For example, the responsible person for a design team retires and his/her projects are now transferred to another responsible person for the division.*

Response: DPOR's regulation 18 VAC 10-20-760 A. states "...If the original professional of record is no longer employed by the regulant or is otherwise unable to seal completed professional work, such work may be sealed by another professional, but only after a thorough review of the work by the professional affixing the professional seal to verify that the work has been accomplished to the same extent that would have been exercised if that work had been done under the direct control and personal supervision of the professional affixing the professional seal."

Therefore, it is expected that the new professional will provide a thorough review of the prepared document prior to affixing their seal. Additional PE expenditures should be anticipated whenever this situation occurs. Schedules may be impacted based on the review and the corrections that may need to be made.

37. Does the VDOT employee who is responsible for approving Site Plans have to be in a designated responsible person position?

Response: No, the VDOT employee does not need to be in a designated responsible person position. This decision is being left up to the District where the employee is employed.

38. Secondary 3R, how should they be addressed? RRR?

Response: 3R and Rural Rustic designs fall under the categories of either No-Plan or Minimum Plans. Both of these categories are required to be signed and sealed as outlined in the White Paper.

39. Guardrail Contracts; sign or not?

Response: The White Paper designated that all guardrail recommendations will need to be signed and sealed via the Traffic Division. Any deviations from the VDOT Standards in reference to guardrail would be required to be signed and sealed as well.

MATERIALS QUESTIONS:

40. *In earlier guidance, it was stated that geology boring log sheets would be signed (not sealed) by the District Geologist – why are these not sealed?*

Response: The geology log is a data sheet and does not require any engineering design work to develop; therefore, the geology log sheet only needs to be signed, not sealed.

41. *How does this affect the “direct control and supervision” language in the Code? This is also germane to the engineering reports we are providing – at our current staffing level, we are not in direct control nor do we supervise our consultant drillers.*

Response: As far as the geology log sheets go, a Department geologist or a Professional Geologist from our on-call geotechnical design service contract provides oversight of the on-call driller. The on-call driller still prepares the log sheet and it is a data sheet; thus, a signature (but no seal) is required. For design work, a licensed Professional Engineer is in direct supervision of that work and is required to sign and seal that report the contains the recommendations that were developed.

LOCAL ASSISTANCE QUESTIONS:

42. *How is the consultant community and localities going to be made aware of the changes occurring at VDOT?*

Response: The Department is developing a memorandum to inform both the consulting community and the localities of the changes going into affect on July 1, 2009. This document should be issued in Winter 2009.

43. *How are projects developed by Localities going to be handled?*

Response: For locally administered projects, please refer to the *Guide for Local Administration of Virginia Department of Transportation Projects*. This document can be found on the Local Assistance Division webpage at: <http://www.virginiadot.org/business/local-assistance.asp>.

ELECTRONIC SIGNATURE/SOFTWARE QUESTIONS:

44. *Will the Department pay for the electronic professional seals?*

Response: Yes, the Department will pick up the cost associated with the purchasing of the electronic professional seal for each valid Virginia professional designation an employee holds. The committee will be contacting all those in designated positions for information pertaining to their professional registration number, professional designation and signature in order to create the electronic seals.

45. How will training of the new software and process be presented to VDOT staff, the consultant community and localities?

Response: VDOT will provide internal training on the software and the new process, both in personal sessions and also via teleconference.

46. Can you specifically address the issue of cost that may be involved for the individual professional? Is it expected that the individual professional “pay” for his or her electronic seal and then is reimbursed by VDOT? And, if so how will that cost be paid?

Response: The initial costs associated with each professional licensure are the digital certificate (\$119) which is good for two years and the electronic seal (\$15 per professional license). The Advisory Committee is also purchasing the Adobe software license for each designated person. The initial costs associated with the implementation are going to be covered by Central Office. When the digital certificate renewal occurs in two years, the Districts will have to budget for the renewal costs (approximately \$120/designated person). Central Office will provide the logistics of coordinating with the company and the employees. We will pay the costs to the companies involved with the digital certificate and the electronic seals. The employee should not have to pay any monies at this time. They just have to cooperate with us so that we can get all the information in a timely fashion.

47. Can we add a PE seal to an email (if pdf-ed)?

Response: Yes, but this practice is not advised. We recommend against PE sealing statements in an email. The proposal suggested creating an email, converting to pdf and affixing a seal. The Department should take the time to generate a “position document”. This should slow down waiving of specifications and plan changes without sufficient consideration being given to the impacts...and it will dictate a requirement to document assumptions, issues, etc.

48. Is the Acrobat .pdf digital file of our hard copy (dumb seal) sufficient for engineering reports, or do they also require the “smart” digital seal?

Response: Smart seal digital files will need to be retained according to the records retention schedule for each file type. Original signature, whether stamped or digital, needs to be retained as the official copy.

49. Are digital files only kept 5yrs?

Response: No, digital files are kept for eternity. No records retention exists for these documents at this time.

50. Are archives replaced by updated “Formal Plan Revisions”?

Response: Yes, for L&D, but bridge plan sheets are kept for each revision. This may change as a result of these discussions.

51. Are archives truly archived at difference phases so that an advertised set is retained and not replaced by updates?

Response: The MicroStation DGN files are archived at different phases/milestones and are not overwritten at anytime. At advertisement, S&B keeps each revision and L&D replaces the file when a formal revision is processed.

52. Is it a Code thing that prevents use of electronic original/manual signatures? (There are hordes of signatures on letters that are pdf-ed and transmitted by email...should we not be doing that?)

Response: It's not recommended to transmit those letters through email as described. Also it's not a Code thing that prevents scanning a manual wet signature; it's just not a safe practice. It was recommended by management years ago to not do that and to type the names in. However, with the use of digital signatures, the wet signature is no longer needed. See information from slides below:

- **VDOT, DMME** (Department of Mines, Minerals and Energy) and **VEAP** (Virginia Enterprise Application Program) are conducting a pilot for implementing PKI (Public Key Infrastructure) based “Digital Signatures” in the executive branch agencies of the Commonwealth of Virginia.
- The **Uniform Electronic Transactions Act** Title 59.1, Chapter 42.1 does support Professional Engineers, Certified Landscape Architects and Land Surveyors to sign and seal their work electronically. The Purpose of **UETA** is to enable electronic commerce by providing that contracts and records are not invalid simply because they are in an electronic format rather than on paper.
- Title 54.1, Chapter 4 of the **Code of Virginia** (1950), as amended, also supports Professional Engineers, Land Surveyors, and Landscape Architects to sign and seal their work electronically.

53. Does the copy of Falcon file invalidate the seal?

Response: No, the digital signature is still valid and Adobe will still track changes in a copied file; but, if a pdf file with a digital signature is inserted into another pdf, the digital signature is removed.

54. *What protects the digital certificate?*

Response: The password you provide IdenTrust when you purchase the digital certificate provides the protection. There is no requirement to change your password during the two year period the certificate is valid. If you desire the password to be changed, you will need to coordinate with IdenTrust to do so.

55. *Where do the digital certificates reside?*

Response: The digital certificates will reside on each person's PC and protected by your personally established password with IdenTrust.

56. *What happens when CADD refresh occurs?*

Response: The Adobe software and digital certificates will be reloaded. Individuals should backup their certificate in case their machine crashes or they need to transfer the certificate to a new PC. CADD Support staff will help users make the backup while installing the software.

57. *If an employee leaves the department, does the certificate go with the employee or stay with the department?*

Response: No, these are ACES Business Representative digital certificates. They cannot be transferred to other users and must be revoked when someone leaves the department.

58. *Need field revisions folder in Falcon (PFR) & As Builts.*

Response: A field revision folder will be added to Falcon (PFR). L&D will look into how they will handle As-builts in the future. Currently, L&D does not require or retain As-builts. S&B Division does retain As-builts.

59. *What if changes occur to a plan sheet, how is that communicated to team?*

Response: When a revision or change occurs to a plan sheet between column 2 and 9 of the cut-off dates spreadsheet, a notification process will be put in place. It will either be an email from Plan Coordination Section or possibly an automated email broadcast from Falcon when a status field changes. This is a feature of Falcon that we currently do not take advantage of.

BRIDGE QUESTIONS:

60. *Should we be sealing bridge safety inspection reports (note: there are City bridges; and we have consultants providing sealed reports)*

Response: Since the development of the White Paper, the bridge safety inspection reports no longer are required to be signed and sealed.

61. *Are shop drawings to be sealed? What is the reviewer's responsibility?*

Response: No, shop drawings are not required to be signed and sealed. The reviewer's responsibility is to ensure the shop plans are in general conformity with the design plans.

There are two basic types of shop plans:

- a. Shop plans submitted for projects that have design plans. For example, a project may have bridge plans in the plan set that include details for a steel beam. The plans indicate materials specifications, the beam size, attachments, connection plates and bolts, welds, etc. All plan dimensions are horizontal and vertical. The fabricator transforms the details in the plans to fit the grade, cross slope, etc. The shop plan reviewer will check that the following are shown correctly: types of materials, beam size, beam length, plate sizes, weld types and sizes, bolt types and sizes, attachments, shear connector spacing, number of stud shear connectors, etc. Spacings and lengths are adjusted by the fabricator to fit the grade. Therefore, dimensional checks are only for approximate lengths, spacing, etc. The shop plans are not sealed and signed by the reviewer.
- b. Shop plans that do not have design plans. Examples include three sided structures as well as misc. drainage structures, various types of traffic control structures (overhead span and cantilever sign structures, mast arm structures, signal structures, high mast lighting structures, camera poles, bridge parapet sign structure attachments, light poles, etc.), precast deck panels used on bridge structures, and others. The shop plans must be sealed and signed by the fabricator's engineer who is responsible for the design and detailing. The shop plan reviewer is responsible for making a cursory check for clearances and for the reasonableness of details, size of members, etc. The shop plans are not sealed and signed by the reviewer.
- c. Approval of any changes to the design plans are submitted by the fabricator/contractor through written correspondence. Shop plans are not the venue for making changes. All changes must be requested in writing.

62. *Service contracts to be sealed? Bridge washing, mowing, etc.?*

Response: No, service contracts are not considered professional service contracts and therefore are not required to be signed and sealed.

63. *What do we do if the fabricator proposes to change size of stirrup bars?*

Response: Shop plans are not the venue for making changes. All changes must be requested in writing.

64. *Shop drawings, if change strand pattern, fabricator seal drawings and we review?*

Response: These types of changes are design related and the shop plans must be sealed and signed by the fabricator's engineer. The reviewer does not seal and sign the drawings.

TRAFFIC QUESTIONS:

65. *Will we be required to sign and seal traffic data developed for design purposes? I believe we said the answer to this was "yes" as it was considered a design function which determined typical section and design criteria.*

Response: Designers will seal the title sheet, on which the design traffic data as well as other items such as functional classification are listed, but the traffic data itself does not require a PE seal when being provided to the designer.

66. *Regional planning studies are exempt from signing and sealing since they are "studies" in nature and data is not used for design purposes.*

Response: Regional long range plans do not require sealing & signing. Detailed corridor studies for L&D or spot location studies that include specific recommendations for roadway improvements may require sealing & signing.

67. *Traffic Impact Analyses or Interchange Impact Analyses used to establish traffic design data and geometric requirements under Section 527 or IMR/IJR's will need to be sealed; therefore, the review by VDOT staff will have to be done under the guidance of a PE.*

Response: Traffic Impact Analyses submitted by a developer or locality under Chapter 527 do not require PE sealing & signing. The Commissioner has directed that VDOT's review of these will include a PE at some point in the review process; however, the directive does not indicate which VDOT functional area provides the PE, and that may vary by District.

Traffic Impact Analyses conducted by VDOT, which include IMR's and IJR's, do need to be sealed & signed.

68. *Land Develop Reviews – Role is to approve site plans for a licensed professional, what is our role now?*

Response: VDOT's role in land development reviews is as follows:

1. Does the subdivision of the land fall under the Subdivision Street Requirements or is a new entrance permit required?
2. Is the applicant working on an entrance permit (or have they gotten an entrance permit)?
3. Has VDOT been notified of this work?
4. Is the appropriate regulatory statement included on the plat (for instance, plat statement required in 33.1-72.2 for streets that are not to be taken into system)?
5. Ensure the site plan meets VDOT entrance requirements.

69. *Site Plans – County needs letter from VDOT for approval.*

- *For plans already stamped by PE Engineer, are we signing for meeting standards?*

Response: We are signing to meet the code requirement that VDOT approves the site plan, which should be based on a determination that it meets VDOT requirements.

70. *Does the engineer approving Site Plans need to be person of responsible charge?*

Response: No, the engineer approving site plans does not need to be in an designated responsible person position.

71. *Traffic Maintenance Plans (Bridge, traffic reviews) who signs?*

Response: The functional unit that prepares the traffic maintenance plans seals the plans, in accordance with L&D IIM 241.3. Other units may review and provide comments without adding a seal to the plans.

72. *Will Traffic start doing TMP plans?*

Response: Traffic will prepare traffic maintenance plans as determined appropriate by the project manager.

73. *On call Traffic Contracts (Who signs?)*

- *Traffic Signal Study for new signal at existing intersection*
- *Regional contractor contracts*

Response: The on-call consultant seals their work. VDOT seals work performed by VDOT staff. Whoever performs the signal warrant analysis (consultant or VDOT staff) would seal the signal warrant report. Whoever prepares the signal plans (consultant or VDOT staff) would seal the signal plans.

74. *What if a speed study is submitted and I sign and seal it, and it's submitted to the Central Office, are they just approving it or do they need to sign and seal it as well?*

Response: Speed studies are sealed by the preparer, either VDOT field staff or a consultant. Central Office staff review and provide comments on speed studies but do not seal them.

SCHEDULING AND CONTRACT QUESTIONS:

75. *Will VDOT provide ACE with blanket authority?*

Response: Not exactly...see the draft CD 2008 – xx regarding field changes.

76. *How do we define “modify”...does it mean field changes?*

Response: Yes, Field Changes – Those items proposed to be changed requiring a new seal shall include those items initially sealed by the Designer of Record or otherwise may have a negative impact on the general public’s health, safety and welfare, whether of a permanent or temporary manner associated with the construction of the contract.

77. *How do we define “utilize the designs”?*

Response: Any change to the design would mean to utilize some portion of the design to accomplish such a design change. Constructing a design is not “utilizing” the design.

78. *Will Maintenance operations need to follow the same process? Do D-1 and D-1A requests and recommendations need to follow a similar process? Sealed?*

Response: Yes, any technical document designated to be signed and sealed will need to be signed and sealed no matter who develops the document.

79. *Contractor proposed design changes? Do they seal? Do we carry their seal in our final as-builts? (i.e. pour sequence vs construction joint being added)*

Response: Yes.

80. *What about VE proposals (VEP)? Does the Contractor need to sign/seal? Will they be required to contact the Designer of Record (DOR)?*

Response: Yes, as per 104.02 “the Contractor shall absorb all costs incurred in preparing a VEP”; new CD to address such. The contractor will not be excluded from meeting the DPOR 18 VAC 10-20-740 requirements. Contract administration staff (i.e. ACE, CM, etc.) should be the conduit between the Contractor and the Designer of Record.

81. *Will CD 2004-1 need to be synchronized with the Specifications for review timeframes?*

Response: CD 2004-1 is included in every contract as a Special Provision requiring the participants of the Preconstruction Meeting to agree to timeframes and responsible parties. They can use the existing timeframes or modify for project specific.

82. *Who seals changes to the plans when the Scheduling and Contract Division requires changes before advertisement?*

Response: Any changes required will necessitate the Design Engineer of Record to make the modification to the plan sheet and then re-seal and sign. The re-sealing of the documents will occur in column 9 of the cut-off schedule.

83. *Does the Contractor get copies of email, etc. with PE seal?*

Response: Only as appropriate to include with a Work Order as it impacts contractual language (i.e. sealing a new specification for a contract). Contractors do not need design calculations that are sealed.

84. *Why do we sign/seal Spec Provisions? ...someone said they were okay for standard use in all plans -- WAPM?*

Response: The Scheduling and Contract Division has advised that we will seal project specific specifications and No Plan “plans”, but not the Special Provision Copied Notes that are pre-approved for statewide use.

85. *Field Changes, As Builts, Formal Revisions, Sketches - Are these being looked at again?*

Response: Field Changes – The CD in draft form needs to be finalized for process implementation.

As Builts – The CD was not intended to establish a policy and process for as built plan development.

Formal Revisions – The field identifies the need for a formal revision. The designer of record will be required to develop a formal revision and sign and seal the prepared document.

Sketches – Sketches may or may not be sealed. It will depend on the content of the document as to whether or not the document will need to be signed and sealed.

86. *You have a situation in the field where it is necessary to move a pipe two feet. Are you required to go back to the designer of record and have the change signed and sealed?*

Response: For this situation, the likely answer to this question is no; however, it may depend on what this change will impact at this location or at a later phase in the contract development. It is always good practice to discuss significant change conditions in the field with the designer of record. Field experience will assist in the decision making process of when and when not to contact the designer of record. When in doubt of the impact of a change in the field it is encouraged that you contact the designer of record.

87. *Do we have to accept a Contractor's sealed design alternative (i.e. spliced beam versus continuous beam) if it meets the litmus tests of design computations?*

Response: No, as the owner, VDOT reserves the right to require what is shown in the plans.

88. *CQIP-Auditing Concern Survey Completed survey in house than goes to Local Assistance.*

Response: CQIP uses a specific list of questions and at this time there are no questions on signing and sealing field changes.

89. *How much time will be allowed for decisions on field changes?*

Response: The time required to respond to field change conditions will depend on the nature of the changes; however, the Department recognizes the need for an expedient reply to questions from the field. Therefore, it is essential that all personnel recognize this need and provide a response in a timely fashion.

90. *On regional contractor contracts, who signs the engineered documents?*

Response: All contracts should contain language regarding signing and sealing of engineered elements. DPOR requires the individual who developed the engineered document or their direct supervisor to sign and seal.

91. *No Plans - Will one person's seal satisfy all the functional areas shown on the plans?*

Response: The Committee has recommended that the cover sheet for a No Plan assembly be required to be signed and sealed by the preparer. By nature, a No Plan project should not have engineering, but the reality of the situation is that some No Plan projects have had engineering included. The Committee recommends that engineered portions (i.e hydrologic analysis) of the No Plan assembly be signed and sealed and kept in the project folder by the preparer as reference. Multiple seals can be applied to the cover sheet; but, if this is necessary, the concept of a "No Plan" should be questioned.

92. *Contractors hire an engineer who is willing to sign and seal proposed changes. How does VDOT approach each situation?*

Response: See Section 105.10 of the ROAD AND BRIDGE SPECIFICATIONS. Similar language will also appear in many special provisions that require engineering.

SURVEY QUESTIONS:

The Professional Land Surveyors will be responsible for signing and sealing the products and services they deliver to VDOT. These include, but are not limited to, base survey files, photogrammetric surveys, plats, R/W sheets and contract drawings related to construction projects. A complete listing of products is available in the VDOT White paper and L&D IIM-243. By certifying their products, surveyors will be meeting minimum standards established by the APELSCIDLA Board and codified standards for platting and recordation.

93. *Will Surveyors be responsible for signing/certifying plan sheets?*

Response: The surveyors will be signing and sealing those plan sheets that specifically reference the acquisition of Rights-of-way and easements. The platting for acquisition of fee property and rights to property falls directly within the discipline of the professional surveyor.

94. *What about those surveys that are active but were created a number of years ago? In order to meet the implementation date, will we have to review and evaluate everything? Shouldn't it just be resurveyed?*

Response: All surveys delivered to VDOT on or after July 1, 2009, shall be signed and sealed by a Virginia Licensed Land Surveyor. This includes updates. It is the decision of the project manager, upon conference with the District or Central Office Survey Manager, to determine the relevance of the base survey. Through the project's life, the survey may have been updated numerous times to remain accurate. Those surveys that have not been actively updated will probably require a field review and may require to be resurveyed. Those active surveys that are current, though not certified, will be "grandfathered" as compliant for design purposes. The project surveyor(s) will remain responsible for the quality of the product through construction, as they always have been.

95. *Where are the extra resources coming from to assist in performing lot closures, data sheets, checking calculations and preparing plats?*

Response: In lieu of availability of District resources, we will have access to our consultants under contract to assist in effectively managing workload for all District survey operations.

96. *Will we be required to certify R/W or other boundary-related work performed by others that don't meet minimum standards?*

Response: No, you will never be required to certify work by others, without first reviewing it and personally performing or managing all the necessary steps so that minimum standards are achieved and you are comfortable with the solution.

97. *Currently, designers have access to either change property owner names or move text in the survey file over the course of the project. What measures are being taken to ensure the integrity of the survey files?*

Response: Currently, designers have privileges to move text and change property owner information. In the future, the designer will retain the privilege to move text, but the responsible surveyor will make all changes or updates to property owner information. Further, the responsible surveyor will retain a record copy of the certified survey file, and a copy will be placed on Falcon.

98. *Any chance Final Surveys are coming back?*

Response: Actually, finals surveys never left. They are only requested for special circumstances, like in anticipation of a court case over quantities.

99. Why are we signing ROW plans if we are signing ROW plats?

Response: As a licensed surveyor, you are responsible for the development for the R/W and perpetual easement locations graphically in the file, mathematically in quantity and location from centerlines and physically on the surface of the Earth and referenced to physical features. Since you are establishing the new R/W line, for example, with respect to existing R/W lines and property lines, this initial determination for the corridor must be sealed and certified to the world that this is what we are acquiring and the R/W sheet is the legal instrument, once the project moves to R/W. All other plats, negotiations, condemnations are based on the certified R/W sheet. The plats are secondary elements that provide a service to the property owner. These plats need to be certified to and meet APELSCIDLA minimum standards for surveys. These plats are beneficial to R/W as a convenience for negotiation, and recordation with each affected property owner. The R/W line and information on the plat must agree 100% with the “senior plat” i.e. the R/W sheet; therefore, the surveyor must certify both documents as they serve slightly different purposes and are used as legal documents for conveyances. So far, it is not mandatory for VDOT to generate acquisition plats, but we can, by request from R/W.

100. In the White Paper, how is pg 11 “yes” for # 7 but on page 12 “no” for #2?

Response: If wetlands are located in the field for a permit application or as a sensitive boundary, with which VDOT is regulated a prescribed distance from impacting (i.e. a Resource Management Area or Resource Protection Area), the wetland extent is determined by qualified environmental experts through several means and flagged in the field. A surveyor will locate these flags using established surveying techniques and depict the wetland boundary in the file. By establishing the physical location of the wetlands on the face of the Earth, and this information will be used in a permit for the Corps of Engineers, which requires the location to be established by a licensed surveyor, it is certified.

The environmental sketches for permits refer to ground disturbance permits where the applicant must request a permit from DCR to break ground and perform the construction. This permit application requires a sketch, depicting general project location and must be kept on-site at all times. It is not a certified drawing.