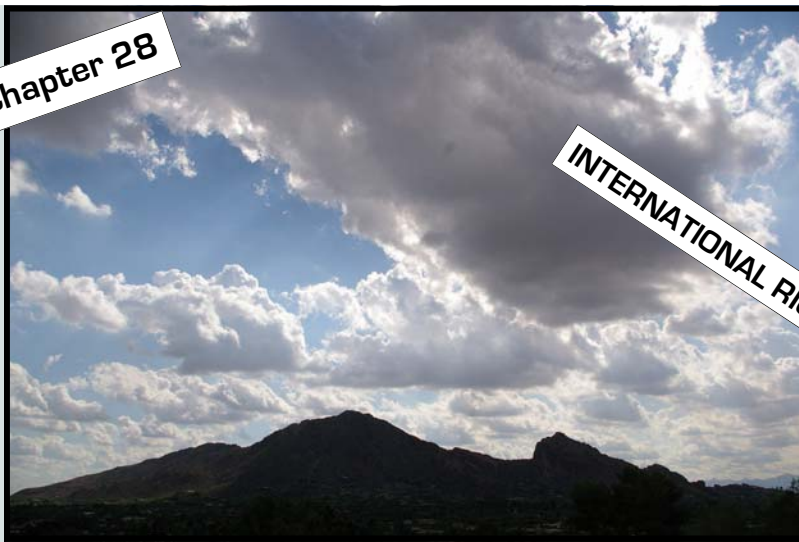


Kachina Chapter 28

INTERNATIONAL RIGHT OF WAY ASSOCIATION



Newsletter

APRIL, 2008

www.irwaaz.com

**2008 Kachina Chapter Executive Board**

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**Newsletter / Job Bank / Website**

Cate Chamberlain  
602.367.9322  
cate@irwaaz.com

**April Board Meeting**



Wednesday, April 2, 2008



4:45pm



SRP Project Offices at the Project Drive Facility

Confirm your attendance with Doug at dougest@hotmail.com

**May Board Meeting**



Wednesday, May 7, 2008



4:45pm



ASL Offices at 2020 W Indian School Road

Confirm your attendance with Doug at dougest@hotmail.com

**APRIL CHAPTER MEETING**

**DATE:** Tuesday, April 8, 2008 **TIME:** 11:30am to 1:00pm **COST:** \$20

**PLACE:** PERA Club / 1 East Continental Drive / Tempe, Arizona 85023 / 602.236.5782

**MENU:** Mexican Buffet: Cheese Enchilada Casserole; Chicken Burritos; Refried Beans; Spanish Rice; Mexican Salad; Dessert; Coffee and Iced Tea

**RSVP DEADLINE:** Thursday, April 3, 2008 @ 5:00pm (No reservations will be taken after this date and time)

**SPEAKER:** Bob Sullivan, President of the Arizona Super Bowl Host Committee. Bob spoke to the membership at our annual Seminar in September 2007 about what we hoped the Super Bowl would do for us as a community. He will return to our April luncheon to give us a "how did it go?" presentation.

## **PRESIDENT'S MESSAGE**

Doug Estes, MAI, Chapter President

On April 4 and 5, Caroline Tillman and I will have the opportunity to attend the IRWA Region 1 Spring Forum as the Kachina Chapter International Directors. For those of you who are not familiar with the IRWA Region Forums, they are meetings held in April and October where the leadership of all of the chapters in the region meet to discuss IRWA issues. Before the meeting, we are required to submit a report regarding our chapter. I am happy to say that our report is mostly positive. The following is our report:

### **Strengths:**

- A good education program (directed by a dedicated committee chair) with a variety of classes offered regularly
- A large and diverse membership (207 total per headquarters)
- Continued growth in membership (51 new members in 2007)
- A large number of SR/WA's (60 total per headquarters)
- Continued achievement of SR/WA designation (12 in 2007)
- Some new leadership with fresh ideas for advancing the IRWA and the chapter
- Leadership that is willing to ensure that the core business of the chapter is completed
- Good past leadership to provide direction for current chapter leaders

### **Weaknesses:**

- Increasing luncheon and seminar costs
- A lack of willingness and/or time of members to serve
- A lack of newsletter articles
- Some committee leadership that do not contribute

### **Opportunities:**

Increasing new membership by expanding to agencies and small utility companies that are not currently involved in IRWA and that need quality right of way education for their employees

### **Threats:**

- Agency budget cutbacks
- Slowing economy and housing downturn
- Election and political issues

### **General Condition of Chapter:**

With increasing membership, a good education program, a sound balance sheet, the overall outlook of the chapter is good.

Once again we thank those who have contributed and/or are contributing to make this a successful chapter. Next month, I will let you know how the forum went.

## EDUCATION

Kaye Bockmann, Education Chair

**COURSE #: 103**

**COURSE NAME:** Ethics and the Right of Way Profession

**CLASS DATE:** July 30, 2008

**CLASS TIME:** 8 - 5

**CLASS LOCATION:** Pera Club / 1 E Continental Dr / Tempe AZ 85281 / 602.236.5782

**COURSE COORDINATOR:** Mark Keller, SR/WA / 602.236.8164 / [mark.keller@srpnet.com](mailto:mark.keller@srpnet.com)

**FACILITATOR:** Beverly J Francy, SR/WA

**MEMBER COST:** \$325

**NON MEMBER COST:** \$425

**REGISTRATION DEADLINE:** July 2, 2008

**Kachina Chapter 28 will discount tuition for Course 103 to \$275.00 if you register for the class before June 1, 2008! That is a \$50.00 savings off the original fee of \$325.00. Course 103 is a required course every five years for recertification so take advantage of this opportunity!**

**COURSE #: 600**

**COURSE NAME:** Introduction to Environmental Issues

**CLASS DATE:** July 31, 2008

**CLASS TIME:** 8 - 5

**CLASS LOCATION:** Pera Club / 1 E Continental Dr / Tempe AZ 85281 / 602.236.5782

**COURSE COORDINATOR:** Kaye Bockmann / 602.236.5782 / [kaye.bockmann@srpnet.com](mailto:kaye.bockmann@srpnet.com)

**FACILITATOR:** Fred Walasavage

**MEMBER COST:** \$325

**NON MEMBER COST:** \$425

**REGISTRATION DEADLINE:** July 3, 2008

**COURSE #: 604**

**COURSE NAME:** Environmental Due Diligence & Liability

**CLASS DATE:** August 1, 2008

**CLASS TIME:** 8 - 5

**CLASS LOCATION:** Pera Club / 1 E Continental Dr / Tempe AZ 85281 / 602.236.5782

**COURSE COORDINATOR:** Jason Foster / 602.328.1959 / [jason.foster@aps.com](mailto:jason.foster@aps.com)

**FACILITATOR:** Fred Walasavage

**MEMBER COST:** \$325

**NON MEMBER COST:** \$425

**REGISTRATION DEADLINE:** July 4, 2008

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## LUNCHEON

Thank you for your continued support in attending the IRWA luncheons. The Board continues to struggle with keeping the cost of the luncheons down, new and exciting speakers, and your enthusiasm up!

The Luncheons have been subsidized by the Chapter recently to the tune of about \$5 per attendee.

The Chapter had to turn down requests by email from members for the February luncheon because there was no space available. The Chapter is required to pay for the missed lunches. It cost the Chapter \$168 dollars for the February luncheon for persons who signed up to come, but did not make it to the luncheon.

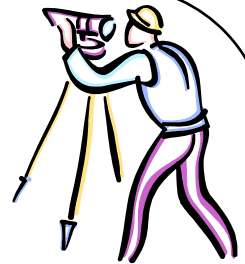
The Chapter sent out letters to the persons who signed up for the luncheon but did not attend asking for reimbursement for the missed luncheon. No one who received a letter asking for remittance for the missed luncheons has been forthcoming.

The Board understands there are many circumstances which may arise on the date of the luncheon preventing you from attending. Please let us know, if possible, so that we do not send away members at the door the day of the luncheon. If you know even the day before, we usually have a waiting list.

If you would like to assist with the luncheons in any capacity, please do not hesitate to contact a Board member. We would appreciate any assistance offered.



Gregg Tuttle, Manager  
SRP Land Department  
Surveys Division



## Surveyor's Corner

**Gentle Readers:** *I had the opportunity to attend the American Congress of Surveying and Mapping (ACSM) annual conference in Spokane, Washington, March 4<sup>th</sup> – 9<sup>th</sup>, 2008.*

*I attended a lot of seminars and interesting courses while there.*

*I thought that I would share one as this month's Surveyor's Corner article.*

***"The Seven Deadly Sins of Surveying."***

The presenter was LARRY PHIPPS, a PLS from North Carolina.

According to LARRY, the following comprise **the Seven Deadly SINS of Surveying:**

### PRIDE / ARROGANCE.

A surveyor is hired to perform a boundary of a small lot in a subdivision. Surveyor used wrong corners to stake the lot. Clients called to discuss the problem, BUT were dismissed as "kooky" just because they were "old". A lawsuit follows.

#### HOW to Avoid the Problem?

- a. Treat others as you want them to treat you (Golden Rule).
- b. Do NOT assume you are right when someone (a "lay-person") complains about a problem.

**Do NOT ASSUME that you have to have done something wrong to have a problem.**

### SLOTH.

Reputable local firm does control for a large construction. Small surveying firm's principle surveyor contacts his buddy, the General Contractor, (GC), and asks for the stake-out job.

GC helps out old pal by telling him that the local firm control is "off by 3/8" (three-eighths of an inch.) Surveyor stakes job with poor oversight and no control network of his own.

After the GC has 25 casings driven to bedrock, and filled with concrete, they then discover the surveyor's control is off, on some, by as much as 12', (twelve feet!!).

The Reputable firm is called back in to verify location of casings as built.

Designer declares them unusable as built. GC has to tear them out and start over.

Cost to GC to start completely over? \$2,000,000.

#### HOW to Avoid the Problem?

- a. Always have a checklist and independent review of all field work, plats, and reports inside your own firm.
- b. Regularly calibrate all of your own equipment, as a verified baseline.

Do NOT just accept work for which you are NOT qualified.

Get any necessary additional training / information.

### AVOIDANCE.

The local surveyor misplaced a boundary on a small survey. Client was unhappy and felt they were due \$10,000 in damages resulting from improper surveying work. Surveying firm refuses to talk to client, or anyone else, about this project.

Client files suit. Surveyor ignores all efforts to contact him concerning the suit, (even to the point of a summons to appear in court.) Only after a Sheriff's Deputy came to arrest the surveyor, only then did he call his E & O (Errors and Omission) Insurance carrier. Client was awarded \$10K; Attorney's fees (also awarded) were \$46,000.

#### HOW to Avoid the Problem?

- a. Return calls from clients (especially the ones mad at you.)
- b. Understand that for most people getting a survey is a very rare thing. Take time to make sure clients understand what you are doing and why.
- c. Immediately call your E&O agent if you even think you might have claim.

Continued on next page....

## Surveyor's Corner continued

### 4. GAPHAPHOBIA.

Surveyor is called to a site to stake a commercial building. He performed the initial boundary the year before so he has control on the site. He stakes the plan as presented by the designer. About the municipal is to issue a C. O. the surveyor is contacted by an adjoiner with a complaint. As it turned out, the building is 3 feet across the line. (!) The municipality insists the building be torn down and rebuilt within the setback lines (!!)

The surveyor suspected incompetent construction crew moved some of his stakes before actual construction commenced, but can not prove it.

Lawsuits are filed by building owner against the CG, and, against the surveyor.

The GC contends the fault lies with the surveyor.

The Surveyor contends fault lies with GC.

They share the burden to the tune about \$1M, each (!!!).

HOW to Avoid the Problem?

- a. Each field crew needs a digital camera to document its work.
- b. Each field crew needs a notebook in which to make notes.
- c. Have a written contract on all jobs.
- d. Keep a call log at the office.
- e. Backup and keep all emails and letters, as well as all maps and field notes, and any captured (and, annotated) digital imagery. (About 7-years, minimum ought to do it).

### 5. ASSUMPTIONS.

Surveying firm is very busy with LOTS (pun intended) of business. Surveying firm have some field crew personnel possessing "a lazy touch." To the point where they never check records. They just take the documents and go survey. In 2005 the firm suffered an E&O claim for \$125,000 on a Flood Zone Certification where it failed to find the revised map. In 2007 the firm suffered another E&O claim where it failed to show a culvert under a building. (It WAS shown on a previous drawing as created by the firm itself!!). Claim, \$200,000. This year the firm has another E&O claim relative to an improper finish floor elevation. In less than 3 years firm has suffered claims totaling over one-half a million dollars, all because of employees who made unverified assumptions. Really BAD assumptions!!!

To stay in business this firm had to make some radical changes, including adopting some "standard procedures" as listed in the following:

HOW to Avoid the Problem?

- a. Check plans from others BEFORE the field crew stakes them.
- b. Do NOT blindly take old work as gospel. Check and be certain that the new work and old work match.
- c. Do NOT ASSUME anything is someone else's job to check out and/or verify.
- d. Do NOT certify to things you can not know.

### 6. GENEROSITY.

In 2002 a surveying firm hires an outside design firm to help with a "special project."

The surveying firm foolishly signs a "limit of liability" clause with the outside designer.

The outside designer makes huge mistake. Suits are filed and the surveying firm is found liable! The outside contract designer pays his "limit of liability" amount and walks away. That limit? \$3,200 (that is the amount of fees paid by the surveying firm!!!).

The surveying firm's liability continues for four more years.

The firm ends up paying \$815,000 to the client and \$196,000 in legal fees (Ouch!!!)

HOW to Avoid the Problem?

- a. when asked to sign contracts or certifications, do not blindly go along. Ask the E&O agent.
- b. Do NOT certify your work to persons who are not your clients.
- c. Look at the cost of liability when pricing the job.
- d. Do NOT restart your liability by "doing a favor" for ANY client and/or consultant.

Continued on next page....

## Surveyor's Corner continued

### 7. EXIST (BE).

( aka: *The hotdog vendor case*).

This case is special because it so well known.

It has been featured in, among others, the American Society of Civil Engineering magazine.

In 1987 L'Ambiance Plaza was under construction.

The construction company used a "lift slab" technique.

During construction something went wrong and the building fell into a tangled mess.

National media focused on the tragedy looking for a scape-goat.

A review of available data showed mistakes by the construction workers themselves were the likely cause of the collapse.

An extensive review of the construction drawings showed NO design flaws. Quoting from the review: "...*the engineer's authority is diminished. Means of construction and safety are the responsibility of the construction contractor.*"

The NBS report concluded flawed construction techniques were the cause of the failure. OSHA levied large fines against the contractor.

So WHY is it called the "hotdog vendor case"?

Well, a two judge panel was appointed to develop a \$40 million settlement fund.

The engineer was placed in the group and "asked" to contribute \$2 Million to the fund. (!)

The engineer told the judges "*I have been found innocent by my peers.*"

*This disaster was caused by the construction workers ."*

Final Financial Pay Outs included: The drywall crew which paid \$150,000; and, *The HOT DOG VENDOR who served the construction site paid \$75,000.* The engineer paid the full \$2M !!!

(The next time you hear someone say:

*"If you worry about liabilities maybe you should spend more time doing a better job."*

TELL THEM THIS STORY.)

HOW to Avoid this Problem?

- a. You can NOT make yourself "bullet proof."
- b. All you can do is purchase the right kind of insurance coverage.
- c. Treat everyone with respect. Communicate with clients having problems. Avoiding litigation is much less expensive than paying for it.

Well, that's it for this issue from "*The Surveyor's Corner.*"

If anyone has feedback or comments, please feel free to share them.

As always, I am interested in the opinions from, the readers of the Kachina Chapter 28 Newsletter.

*Please keep sending in those questions.*

***Until next time, Thanks for reading about land surveying & land surveyors;  
(And now, contracts and responsibilities.)***

***Gregg Tuttle, AZ/RLS # 11121;  
Manager, SRP LAND-Surveys Division***