



## **VDOT's Implementation of the Signing and Sealing Requirements**

**Kendal R. Walus, PE**

**State Structure and Bridge Engineer**

# Professional Signing and Sealing Update

- **How We Got to Where We are Today**
- **Original Signing and Sealing Committee Efforts**
- **Implementation Team Efforts**
- **Training**
- **Implementation Effort**

# How We Got to Where We are Today

- **General Assembly (GA) Changed the Code of Virginia**
  - Early 90's GA removed the professional licensure exemption for state and local governments
  - Added Article 54.1-402.1
    - Any person engaged in the practice of engineering, architecture, or land surveying as those terms are defined in 54.1-400 as a regular , full-time, salaried employee of the Commonwealth or any political subdivision of the Commonwealth on **March 8, 1992**, who remains employed by any state agency or political subdivision shall be **exempt until June 30, 2010**, from the licensure requirements.....

# How We Got to Where We are Today

- **June 15, 2006 – VDOT sent a letter to the Department of Professional and Occupational Regulation (DPOR)**
  - Requested interpretation of Article 54.1-402.1
  - VDOT's interpretation was employees of the Department were exempt from compiling with DPOR regulations until July 1, 2010
- **September 8, 2006 – DPOR Response**
  - Employees of the Department were not exempt until July 1, 2010
  - All professionals in Virginia are regulated by DPOR and therefore are required to sign and seal the work they developed no matter where they are employed
- **September 2006**
  - Chief Engineer formed the Original Signing and Sealing Committee

# Original Signing and Sealing Committee Efforts

- **Committee was formed in September 2006**
- **Members represented all technical disciplines**
  - Central Office Personnel
  - District Personnel
- **Three (3) Mandates**
- **Completed effort in November 2007**

## Committee Mandates

### MANDATES:

- 1A. The Committee will determine what technical documents developed by VDOT will require sealing and signing by a professional (Professional Engineer (PE), Licensed Surveyor (LS), Landscape Architect (LA))
- 1B. The Committee will determine the global impact to VDOT's staffing as a result of this requirement
2. The Committee will review and determine the impact created by the revisions to the DPOR's regulations dated February 1, 2007
3. The Committee will review and highlight existing liability insurance coverage and address liability concerns

# Technical Document Determination Process

**Mandate 1A - The Committee established a recommended list of technical documents requiring the signing and sealing by a professional by the following process:**

- Committee members individually generated technical documents within each discipline which were then combined into a consolidated technical document list to be reviewed and voted on by the entire Committee
- Each document was reviewed and through consensus the Committee decided which would require a professional seal and signature
- Both lists of those documents requiring and not requiring sealing and signing are provided

# Mandate 1B – Number of Affected Positions

**VDOT REQUIRED PROFESSIONAL ENGINEERING POSITIONS - JULY 2007**

Location of Personnel	Central Office	Bristol	Culpeper	Fredericksburg	Hampton Roads	Lynchburg	NOVA	Richmond	Salem	Stuanton	Totals	Net Change
Administrative Services	1	0	0	0	0	0	0	0	0	0	1	0
Commissioner's staff	1	0	0	0	0	0	0	0	0	0	1	0
Land Development	0	0	1	0	0	0	4	0	0	0	5	0
Location and Design	24	4	4	4	6	4	7	7	5	5	70	16
Maintenance	0	0	0	0	1	0	0	0	0	0	1	0
Materials	14	2	2	2	2	2	2	2	2	2	32	9
PE Manager	0	0	1	1	1	0	1	1	1	0	6	0
Project Management	0	0	0	0	4	1	4	1	0	0	10	0
Research Council	15	0	0	0	0	0	0	0	0	0	15	0
Residency	0	6	4	4	3	5	0	8	6	5	41	28
ROW & Utilities	1	0	0	0	0	0	0	0	0	0	1	0
Scheduling and Contract	6	6	3	4	6	4	8	8	7	7	59	2
Structure and Bridge	30	5	5	4	3	6	6	5	7	4	75	15
<b>SUBTOTALS =</b>	<b>92</b>	<b>23</b>	<b>20</b>	<b>19</b>	<b>26</b>	<b>22</b>	<b>32</b>	<b>32</b>	<b>28</b>	<b>23</b>	<b>317</b>	<b>70</b>

Location of Personnel	Central Office	South Western Region	Central Region	Eastern Region	Northern Region	North Western Region	Totals	Net Change
Operations/Traffic	7	7	5	7	5	5	36	12
<b>Grand Total =</b>							<b>353</b>	<b>82</b>

**VDOT REQUIRED LANDSCAPE ARCHITECT POSITIONS - JULY 2007**

Location of Personnel	Central Office	Bristol	Culpeper	Fredericksburg	Hampton Roads	Lynchburg	NOVA	Richmond	Salem	Stuanton	Totals	Net Change
Landscape Architects	2	0	0	0	0	0	1	0	0	0	3	0

## Mandate 1B – Number of Affected Positions

<b>Licensed Surveyors - July 2007</b>		
<b>Location of Personnel</b>	<b>Number Required</b>	<b>Net Change</b>
<b>Bristol</b>	4	(1)
<b>Culpeper</b>	3	1
<b>Fredricksburg</b>	3	1
<b>Hampton Roads</b>	5	1
<b>Lynchburg</b>	4	(1)
<b>NOVA</b>	4	0
<b>Richmond</b>	5	1
<b>Salem</b>	5	1
<b>Staunton</b>	3	0
<b>Central Office</b>	3	0
<b>TOTALS =</b>	<b>39</b>	<b>3</b>

## Mandate 2 – DPOR Regulation Changes

**February 1, 2007 – New Regulations Released**

### **Changes of significant interest to VDOT**

- “Numerous clarifying changes including amendments to clarify the Board’s requirements relating to “responsible charge” and “direct control and personal supervision.”
- “Responsible Charge” definition no longer exists. It has been replaced with “Responsible Person”

## Mandate 2 – DPOR Regulation Changes

- **Responsible Person Definition**
  - “Responsible Person means the individual named by the entity to be responsible and have control of the regulated services offered, or rendered, or both, by the entity.”
- **Direct Control Definition was Expanded:**
  - Degree of control
    - Personally makes professional decisions
    - Determines validity and applicability of recommendations prior to their incorporation
  - Professional decision maker
    - Decisions concerning permanent and temporary work that could affect the health, safety and welfare of the public
  - Clearly define scope and degree of direct control
    - Answerable within said scope and degree of direct control and personal supervision necessary for the work for which the professional has signed and sealed

## Mandate 2 – DPOR Regulation Changes

- **Application of a Professional Seal – 18 VAC 10-20-760**
  - The application of a professional seal shall indicate that the professional has exercised direct control and personal supervision over the work to which it is affixed.
- **Professional required at workplace – 18 VAC 10-20-780**
  - Must hold a valid Virginia License
  - Professional must be present at the location the work was performed a majority of the hours of operation
  - Central Office Work – signed by Central Office Professional
  - District Office Work - signed by District Office Professional
  - Residency Office Work - signed by Residency Professional

## Mandate 3 – Liability Insurance Coverage

- **Virginia is Self Insured - Department of the Treasury, Division of Risk Management issued a certificate of coverage**
- **What is the coverage:**
  - \$100,000 – covers all cases as outlined in the Code of Virginia
  - \$2,000,000 - situations that are specifically not covered by the Code of Virginia
    - Employment practice issues
    - Federal lawsuits
    - Out of state lawsuits (car accident)
- **Who is covered:**
  - VDOT Professionals performing professional services for the State
- **Who is not covered:**
  - Professionals performing professional services for someone other than the State (I.e. side jobs, volunteer work)
  - Gross negligence by the professional

# Implementation Team Efforts

- **Implementation Team formed in late 2007**
- **Purpose:**
  - Develop guidelines to incorporate original Committee's recommendations
    - Technical documents
    - Plan sheets
  - Incorporate DPOR signing and sealing requirements
  - Recommend implementation date
  - Identify, procure and develop electronic signature process
  - Provide training to VDOT personnel
  - Implement the professional signing and sealing process

## Training

- **Inside VDOT Team Site**
  - [http://insidevdot/sites/PE\\_SignandSeal\\_Info/default.aspx](http://insidevdot/sites/PE_SignandSeal_Info/default.aspx)
- **Initial District Meetings, with all impacted professionals, begins September 2008**
- **Prior to commencement of hands on training**
  - In-house Electronic Seal development effort
  - Purchasing of Individual Digital Certificate
  - Purchasing and installation of New Electronic Software
- **Electronic software training to begin January 2009**
  - Hands on training on how to use the new software

## Implementation Effort

- **Established Implementation Date is March 1, 2009**
  - Impacts plans scheduled for a August 2009 Advertisement Date
  - Division Technical Guidelines are to be available in October 2008
- **General Implementation Issues**
  - Digital Certification is required
  - Electronic seal is required
  - All plan sheets are to be signed and sealed
  - Reports only require the title/cover sheet to be signed and sealed
  - Design Exceptions will be signed and sealed

## Additional Information

- **Questions about Signing and Sealing Implementation Effort**
  - Contact Kendal Walus
  - 804-786-4575
  - [Kendal.walus@VDOT.Virginia.gov](mailto:Kendal.walus@VDOT.Virginia.gov)
- **Questions about Digital Signatures and Digital Certificates**
  - Contact Jeff Wyatt
  - 804-786-4715
  - [Jeff.Wyatt@VDOT.Virginia.gov](mailto:Jeff.Wyatt@VDOT.Virginia.gov)

When you think you are having a bad day,  
think about this guy.





## **VDOT's Implementation of the Signing and Sealing Requirements**

**Kendal R. Walus, PE**

**State Structure and Bridge Engineer**