



August 23, 2018

Anonymous Request

RE: Formal Response to request for Policy Advisory Request Regarding signing and sealing documents related to the design of offshore oil and gas facilities to be installed in federal waters

The Texas Board of Professional Engineers (Board) met in public session on August 23, 2018 and directed staff to develop this response to the anonymous request, dated June 26, 2018.

Request:

Does the Texas Engineering Practice Act apply to engineering projects, specifically those associated with oil and gas exploration or production, performed within the State of Texas, for Texas based clients, if the project is to be used offshore in federal waters, which are not specifically in another state or in another country?

Response:

The Policy Advisory Opinion process allows the Board to issue interpretations of the Texas Engineering Practice Act (the Act) and Board Rules to address specific questions. The committee reviewed this request and determined that it can be answered by reference to the existing language of a statute or board rule and does not need to go through the full Policy Advisory process.

The Act establishes practice requirements for engineers in the state of Texas and establishes guidelines for the use of an engineer's seal. The response to this request is addressed by section 1001.401 of the Act:

§ 1001.401. Use of Seal

- (a) On receiving a license, a license holder shall obtain a seal in a design authorized by the board, showing the license holder's name and the legend "Licensed Professional Engineer" or "Registered Professional Engineer."
- (b) A plan, specification, plat, or report issued by a license holder for a project to be constructed or used in this state must include the license holder's seal placed on the document. A license holder is not required to use a seal required by this section if the project is to be constructed or used in another state or country.
- (c) A person may not place a seal on a document if the license of the license holder named on the seal has expired or has been suspended or revoked.
- (d) A license holder is not required to use a seal under this section for a project for which the license holder is not required to hold a license under an exemption provided by Subchapter B.
- (e) A license holder shall not be required to provide or hold any additional certification, other than a license issued under this chapter, to seal an engineering plan, specification, plat, or report.

Per Section 1001.401(b) of the Act, a seal is not required if the project is to be constructed or used in another state or country. While federal waters are technically not another state or country, they are also not part of the State of Texas. As such, projects to be used in federal waters, which fall outside of the State of Texas, would not require an engineer's seal.

Note, language identical to Section 1001.401(b) of the Act can be found in Board Rule 137.33(k) [22 Texas Administrative Code §137.33(k)], relating to Sealing Procedures.

For related information, see also Policy Advisory # 40, Request Regarding the Extent of Jurisdiction outside Texas (May 2016)

Note, this response only applies to federal waters, outside of the jurisdiction of the State of Texas, as specified in the request. If the project were to be used in the territorial waters of the State of Texas, as defined by the Natural Resources Code, Chapter 11, an engineer's seal would be required unless eligible for an exemption as discussed in Subchapter B of the Act.

Conclusion:

No new Policy Advisory Opinion will be developed for this request.