



Reasonable Access for Surveyors

You'd be hard pressed to find a group of professionals that are aware of and respect property boundaries more than Land Surveyors. We have a professional responsibility to protect property rights of the general public with accurate and impartial boundary determinations. As part of this responsibility, we are required to collect **all** relevant evidence when retracing a property boundary. In order to understand the complex pieces of the property puzzle, and to accurately identify, and sometimes set, the property corners as physical points on the ground, we must locate adjoining boundary evidence, which requires entering property not owned by our Client.

Additionally, State and local regulations require the precise location of adjacent environmental features and improvements on development plans. Environmental features (tidal waters & wetlands), & private utilities (septic & well) can have setbacks that extend 100ft or more onto adjacent properties. Likewise, many urban jurisdictions require the location of adjacent structures to ensure conformity of development. All of these regulations require land surveyors to enter adjoining property to provide accurate location data.

29 States currently grant private surveyors either a Right of Entry or exempt surveyors from trespass liability. An additional 13 States have limited Right of Entry for surveyors, typically for surveyors employed by the State. Only 8 States have no legislation protecting surveyors from trespass. Every trespass is considered to result in injury, to which the wronged party is entitled damages, even if the act is not negligent or wrongful. This bill preserves the right of property owners to seek damages if an act is willful, wanton, reckless, fraudulent, or malicious. Land surveyors are **only** exempt from trespass while performing survey services and are not permitted to enter buildings.

Senate Bill 288 will protect Land Surveyors in Maryland from suits involving trespass while performing survey services. The Maryland Society of Surveyors asks this committee to make a favorable recommendation for the approval of Bill 288, to allow reasonable access for land surveyors.

Respectfully,

William Bower, PE, PLS
Chairman, Government Affairs Committee
Maryland Society of Surveyors

