



# RISPLS



## General Membership Meeting & Seminar

**Thursday, September 21, 2017**

**6:30pm - 9:30 pm**



**The Radisson Hotel**

**2081 Post Road, Warwick Rhode Island 02886, USA**

### **“Land Surveyors Trespass Law”**

Guest Speaker:

**Arthur H Hayward, Jr., PLS**

**Hayward-Holbrook, Surveyors, Land Use Planners & Consultants**

**RISPLS Members GMM & Dinner : \$50\_\_\_ Non Members GMM & Dinner: \$65\_\_\_**

**RISPLS Members GMM ONLY \$15 \_\_\_ Non Members GMM ONLY \$40 \_\_\_**

**Students: FREE \_\_\_\_\_**

**\*\*Late Fee of \$10 if received after September 15, 2017\*\***

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

\* Active Members of  CALS,  MALSCE,  MSLS,  NHLSA,  NYSAPLS, and  VSLS  
can attend for the RISPLS Member rate—Check appropriate box.

\*\* Make reservations early to eliminate late fee, reserve seating and to pick up your attendance certificate at the meeting. All Reservations are non refundable and non-transferable. Please make checks payable to RISPLS and mail with reservation form to:

**RISPLS, 410 Tiogue Ave, Coventry, RI 02816**

or Email to Sherri at: rispls@hotmail.com 401-294-1262

## Arthur H. Hayward, Jr., PLS

### Hayward-Holbrook, Surveyors, Land Use Planners, and Consultants

Personal: Art Hayward, Jr. is a native Rhode Islander, grew up in Snug Harbor, South Kingstown, RI. Graduating from South Kingstown High School in 1967. Art is married to his wife Judy of 47 years, raised four children, has three grandchildren, and lives in Stonington, Connecticut since 1970.

Education: Attended Roger Williams College in Providence, Rhode Island in the Architectural Engineering Program. Attended Three Rivers Technical College in Norwich, Connecticut where he received an Associate's Degree in Civil Engineering Technology.

Current Education: Currently in a Graduate Program at the Reformed Episcopal Seminary, Blue Bird, Pennsylvania.

Work Experience and Professional Career: Land surveying career began in 1967 working for Cippola Engineering, Garden City, RI. His year was spent in Bob Winward's bridge survey crew, laying out bridges along the Route 95 and Route 295 corridors. Founding Hayward-Holbrook, Engineers & Surveyors in Mystic, CT and practicing in multiple states over the last fifty years. Holding license to practice land surveying in Rhode Island, Connecticut, New York, Maine, Pennsylvania, Ohio, Tennessee, and Alaska.

Three Rivers Technical Community College: Held the position of adjunct faculty at Three Rivers Technical Community College for ten years. Teaching courses in surveying Civil Engineering Department, AutoCAD in the Computer Science Department, and Architectural Contracts and Specifications (I.A.I.) in the Architectural Depart.

Professional Appointments and Member of Associations: Appointed by the Rhode Island Board of Engineers and Land Surveyors (joint board) to assist in preparation and proctoring land surveying licensing exams for the RI, Board of Registration of PE and LS. Rhode Island Society of Professional Land Surveyors, previously served on the Board of Directors, Connecticut Associations of Land Surveyors (CALS), and New York Society of Professional Land Surveyors, (NYAPLS)

Subject Topic Land Surveyors Trespass LawAs most Rhode Island Land Surveyors know, there is no trespass statute in Rhode Island. To date, in over 25 states now have "Trespass" statutes. Currently Connecticut has Trespass Law, Title 52 Civil Actions, Chapter 925 Statutory Rights of Action and Defenses, Sec. 52-557o. Liability of land surveyors.

Summary: Sec. 52-557o. Liability of land surveyors. No action for trespass shall lie against any surveyor licensed under chapter 391 or person acting at the direction of any such licensed surveyor who enters upon land other than the land being surveyed without causing any damage to such other land in order to perform a survey, provided no such surveyor or person acting at the direction of such surveyor shall enter upon any land owned by a railroad company, as defined in section 16-1, which is within fifty feet of a railroad track without first obtaining written permission from the railroad company, which written permission shall not be unreasonably withheld. Nothing herein shall relieve such licensed surveyor or person from liability for actual damages caused by such entry upon such other property.

History: P.A. 92-74 amended section to require surveyor or person acting at the direction of surveyor to obtain railroad company's written permission before entering upon any land owned by it which is within 50 feet of a railroad track.

Connecticut added the railroad element of the law due AMTRAK can be difficult to deal with. If a surveyor is accused of trespassing on AMTRAK property the surveyor can be arrested by AMTRAK Police. Connecticut legislators opted to protect their surveyors. It also

Ø The State of Maine, Title 32: PROFESSIONS AND OCCUPATIONS, Chapter 141: PROFESSIONAL LAND SURVEYORS, Subchapter 4: RIGHT OF ENTRY

Ø More than half of the states have "RIGHT OF ENTRY" for land surveyors.

Technical questions:

v Should the neighbors be given "reasonable" time to be notified of the impending survey?

v What define "reasonable time"?

v Should driving across others property be protected under a trespass law?

v Parking on another property other than our clients?

v Removal of loam and dirt to set monuments?

v Trimming bushes, shrubs, and hedges?

v Carrying and using tools of our profession, hatchets, range poles, trimmers, axes, hammers, pull point, and other tools that could be considered threatening by an owner?

v What if the client wants a surveyor to cut the actual property lines as we once did?

These are but a few questions that should be considered by the society before filing proposed legislation.