Notice of Proposed Regulations Changes – Architects, Engineers, and Land Surveyors (AELS), relating to application for registration as a structural engineer including authorized seal and structural engineer seal on certain plans, and defining the term significant structure. Notice Published: October 16, 2015.

Below are responses to questions received on the AELS proposed regulation changes. The period for written comments ends January 12, 2016. To be considered, comments must be submitted by 4:30 p.m. on January 12, 2016.

Regulatory Questions

1 10/19/2015	I became a PE over ten years ago, prior to the existence of the current NCEES Structural Exam. I am licensed in Alaska by comity having passed the old NCEES Structural 1 and Structural 2 PE exams. As a licensed structural PE, how does this proposed regulation change affect me? Since I am a structural PE, will I simply need to purchase a new seal?
Answer: You will just need to purchase a new stamp, but this should not be done until the regulation is adopted.	
2 10/29/2015	**Additional Regulation Notice Information (AS 44.62.190(d))** states that the estimated cost to comply with the regulation for a private person is the cost of the application by examination or by comity. Is a structural engineer with an SE license required to pay two licensing fees in order to perform work on a significant structure? Please clarify if it is the intent of the AELS Board to require two licenses and licensing fees in order to design a significant structure and, if this is the intent, then what is the rationale for duplicating licensing fees?
Answer: Once licensed as an SE, that is the only license that will be needed to do structural engineering. The PE license could be dropped if not needed by the licensee. The SE will be a secondary license.	
3 10/29/2015	Is there a statement available from the Board explaining the rationale behind the proposed changes? The reason for the changes should be clearly communicated as well as how the proposed changes will satisfactorily resolve them. I am not aware of any known problems in Alaska which would necessitate the proposed changes.
Answer: A statement was not issued by the Board.	
4 10/29/2015	**12 AAC 36.108. Application for registration as a structural engineer (f)** requires that letters of reference be signed by an SE if the licensing jurisdiction registers SEs. This requirement is not justified in Alaska as of yet because although SE licenses are now used in the state, they have not meant anything to date in terms of actual engineering. It was very clear in prior communication by the Board that, with the introduction of an SE license, an SE license would not be required for a registered Alaska PE to do any structural engineering work, including the newly defined significant structures. If an individual is applying for comity and has work experience on significant structures in Alaska under a licensed PE, this should be valid because it meets all of the requirements of the current laws and regulations. Requiring work under an SE goes beyond the requirements implemented by the AELS Board to date and does not seem justified.
Answer: Letters of reference from civil engineers who practice structural engineering will be accepted. Civil engineers who choose not to get the SE license will still be able to do structural on projects that do not meet the significant structure definition.	

5 10/29/2015	**12 AAC 36.108. Application for registration as a structural engineer (e)** requires "plans or other documents of at least two completed significant structures." Does this mean any work on a significant structure or does it mean an entirely brand new significant structure? Work on any significant structure, including remodeling or upgrading the structure, should be sufficient because this is compliant with the new requirements where an SE license would be required to do any work on the structure. There are relatively few brand new significant structures being built in Alaska compared to those being remodeled, added to, or upgraded, so it would be unfair to only provide comity to those engineers who have recently designed completely new significant structures. A newer engineer who has done work on significant structures in Alaska may not have had an opportunity to fully design such a structure if they have limited their work to structures within Alaska.
Answer: Each project will be evaluated individually by the Board. The goal is to show the engineer's proficiency and competency on significant structures.	
6 11/5/15	I am registered as a Professional Structural Engineer in State of Alaska. Currently, I have the Professional Engineer Seal. I wonder when I can get the Structural Engineer Seal and should I submit any paperwork before getting such seal?
Answer: The structural seal change is part of the regulation change and if passed would allow you to obtain the newly designed seal if properly licensed.	
7 11/5/15	Why does the grandfather clause only go back last ten years [120 months] for work or design experience?
Answer: This is consistent with the previous grandfather clause. Last time it was going to be shorter; ultimately it was extended to 120 months.	
8 11/5/15	Does the grandfather clause of last ten years [120 months] for work or design experience violate the USA Interstate commerce act?
Answer: The Department of Law reviews all regulations prior to adoption. They are thoroughly vetted for conflict with other statutes.	
9 11/5/15	Does the grandfather clause of only considering the last ten years [120 months] for work or design experience violate the USA age discrimination laws giving preference to younger engineers?
Answer: The Department of Law reviews all regulations prior to adoption. They are thoroughly vetted for conflict with other statutes.	
10 11/5/15	Why is the grandfather clause not based on total work or design experience rather than the last ten years [120 months]?
Answer: The Department of Law reviews all regulations prior to adoption. They are thoroughly vetted for conflict with other statutes.	
11 11/5/15	If structures designed by an engineer more than ten years [120 months] are built and still standing, why is this not considered valid design calculation experience?
Answer: A set time limit to allow people who have performed work within ten years to become registered, consistent with the previous grandfather language.	
12 11/5/15	What is the legal basis from Alaskan licensing law or US federal law for the grandfather clause based on design calculation work only occurring during the last ten years [120 months]?
Answer: Because it is not within 120 months as the proposed regulation states.	

13 11/5/15	Why are affected engineers not allowed to request that paper copies of all minutes of all applicable discussions be mailed to their licensing address?
Answer: Copies can be provided at the rate of $.25 per page. The minutes are available for free at https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofArchitectsEngineersandLandSurveyors.aspx.	
14 11/5/15	Are these meetings being videotaped for viewing live via streaming video or later on the internet?
Answer: Meetings are not videotaped, but they are available in real time via teleconference.	
15 11/5/15	Is the board's lack of 30 to 45 days" notice of these meetings to out of state licensed engineers in violation of USA Interstate commerce act laws?
Answer: Notice is provided in accordance with AS 44.62.	
16 11/5/15	What is the legal basis for charging for grandfathering review applications for work that the engineer is already licensed and legally allowed to perform?
Answer: The Board has authority to adopt regulations in accordance with AS 08.48.	
17 11/12/15	Will oil refineries, petrochemical plants, gas plants, paper mills, tank farms, marine loading facilities, pipeline stations, etc., be considered "significant structures" under the proposed regulations? I am a Civil engineer by education but have predominately practiced Structural engineering for 26 years. I have designed many structures in heavy industrial facilities such as those listed above throughout the US and Canada during my career. I am practicing Principal Engineer currently licensed in 17 states including Alaska (CE13903). If engineering design for the facilities listed above will require an SE seal in the future then I and others will be effectively precluded from practicing engineering in Alaska in the facilities noted above.
Answer: The answer to your question is that they would likely fall under 12AAC 36.990(a)(44)(A) and/or (D).	
18 11/12/15	The requirements for application for registration as a structural engineer as set out in 12 AAC 36.108 are too onerous. Many practicing qualified Civil/Structural engineers simply will not subject themselves to the time, expense and added liability that it will require to obtain and maintain an SE license.
Answer: You would not have to maintain two licenses unless you choose to. Once you obtain the SE license you could let your civil lapse. As far as applying, if you are licensed in another state as an SE then you could apply by comity and not have to provide the two projects. The two project option is for those who have been practicing structural with a civil license and do not hold a structural license anywhere.	
19 11/2/15	I am registered as a Professional Structural Engineer in the State of Alaska. I currently have the Professional Engineer Seal. When can I get the Structural Engineer Seal? Should I submit any paperwork before getting such seal?
Answer: The regulation is only in the public comment stage. The earliest the board could adopt it would be in February 2016, then it will be several months before it becomes effective. So check back about next April.	
20 11/3/15	Does the grandfather clause of last ten years [120 months] for work or design experience violate the NAFTA (North American Free Trade Association) laws?
Answer: The Department of Law reviews all regulations prior to adoption. They are thoroughly vetted for conflict with other statutes.	

21 11/8/15	**12 AAC 36.063**, with regard to special education for structural engineers: As a practicing (career) structural engineer, who is allowed to design all structures under his/her civil (formerly civil/structural) seal, WITH EXCEPTION of "significant structures," will the new special education requirements for structural engineers in any way require civil engineers practicing as "non-significant" structural engineers also include special education for structural engineers CEUs?
Answer: At the present time you can still design any structure under your civil license. The proposed regulation is still in the comment stage and will not be effective unless adopted by the Board. This cannot happen before February of next year. If adopted it will then be vetted by the Department of Law and then go to the Lt Governor for filing. If all this happens it will become law 30 days after it is filed.	
22 11/8/15	What exactly constitutes Alaska CEUs? For example, this renewal cycle I have patented a structural design and am teaching rigging geometry. What other options are available for CEU credits? Attendance at engineering organization lectures? Self-study in engineering applications of BIM software? Moving our organization to the next level of CAD/BIM/GIS integration? Software programming?
Answer: If an individual holds multiple licenses, they are required to get a minimum of 24 PDHs of CE with a minimum of 8 hours in each license. So if you held a CE and SE, it could all be in structural or it could be a combination of structural, and if you practice other sub-disciplines of civil engineering, some could be in that area. If you held a civil and surveying license, you would need a total of 24, with a minimum of 8 in each profession. Teaching a subject can be counted once. Patented structural design would have to be evaluated by the Board. Self-study is not accepted. Attendance at lectures and corporate training is acceptable if it pertains to the registrant's discipline. If audited attendance records and content of the lecture/training session would be required. Our Continuing Education regulations are available at: https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofArchitectsEngineersandLandSurveyors/ContinuingEducation.aspx	
23 11/8/15	How do I compute the CEUs for a video webinar, and will my handwritten record of having taken them (and email registration) constitute an acceptable hour of PDH? How do I compute the CEUs for an online course lasting many weeks, and will my handwritten record of hours spent in study (and email registration) constitute how many hours of PDH? In my role as teacher-trainer, I prepare professional training courses and assessment tests for sub-professionals in the areas of heavy construction crane lifting as part of my work, and conduct follow-up field testing of their acquisition. Does this meet the requirement of (h)(7), and if so, how do I quantify the PDHs for performing this work-related effort, which requires 10 hours of prep and assessment planning for each actual hour of teacher-training presentation? I'm interested in progressing structural engineering into code, for example, Python for Informatics and R-Programming. These courses require months to complete. Is that considered "directly applicable" to an applicant's discipline, and if so, how many PDHs can I expect to claim for completing these courses?
Answer: First of all the Board does not pre-approve courses or providers. Completion of short courses, tutorials, correspondence, web-based courses and televised or videotaped courses would require some sort of documentation from the provider that you successfully completed it. Work in prep and assessment would be determined on a case by case	

basis by the Board. Teaching the course can only be counted once. Attendance at corporate training sessions is counted as 1 PDH for each hour of attendance. Online courses or seminars should have a PDH value assigned by the provider and proof of completion provided by them. If not, then one PDH per hour of attendance the same as if you were there in person.

The Board's policy when reviewing audits is if any of the claimed PDHs are not approved, the registrant is given 60 days to make up those hours.

24 11/8/15	Under the new proposed regulations, CEs will have the option to apply for SE, provided they submit two "significant" structures plans designed within the past 120 months if I read the proposal correctly, together with corroborating SE reference testimonials. However, neither grandfathered CEs nor new EIT's seeking SEs had to meet this requirement, nor did any prior SEs who obtained their SE have to show they have designed two "significant structures" before. Since it's "illegal" (sic) for a practicing CE to prepare the structural design for a "significant structure" under current Alaska regulations, and in all states with a separate SE designation, this limits those CEs who can apply for SE to only those states without an SE cert, which corresponds to only states *that have no wind or seismic loads* (with the exception of Texas which does not have an SE designation).

Answer: Under current Alaska regulations, a CE practicing structural engineering can design any structure. The proposed regulations are not effective yet. Any significant structure designed within 120 months before the effective date of the new regulation would be legal and would be an acceptable submission for grandfathering. EIT's and anyone applying for the SE exam after the new regulation becomes effective would be required to show experience in significant structures.

25 11/8/15	As a career structural engineer of both "significant" (before Alaska went SE) and "non-significant" structures, with some expertise in AK/TX/CA/GU wind and seismic engineering, my opinion on this proposed legislation is that it will have a vanishingly small application rate, and by those without verifiable skills in the very specializations needed: in wind, seismic, arctic; or else largely by foreign engineers without the requisite training and experience who don't meet NCEES standards.

Answer: All engineers are required to take an arctic engineering course whether applying by exam or comity.

26 11/8/15	How does the Board propose to determine the level or percentage of involvement of the applicant CE>SE in a joint-project by consortium, when such a CE would never be allowed to be part of that SE design, or is the intent only that the applicant was "part of a design team," maybe in designing the storm vault, or the excavation tie-backs, or the anchorage for the architectural components, or the infill CMU? What constitutes "in responsible charge" of "significant structures"?

Answer: The person verifying the applicant's experience will determine what the experience entailed and the amount. The definition of responsible charge is: "'responsible charge of work in the field' means the direction of work, the successful accomplishment of which rested upon the applicant, where the applicant has to decide questions of methods of execution and suitability of materials without relying upon advice or instructions from his superiors and where the applicant has to supply solutions to deficiencies in plans or has to correct errors in designs without first referring them to higher authority for approval, except where the approval is a matter of form; 'responsible charge' as it pertains to 'work in the office' means undertaking investigations or carrying out assignments, which demand resourcefulness and originality, or making plans, writing specifications, and directing drafting and computations for the design of

architectural, engineering or land surveying work with only rough sketches, general information and field measurements for reference; …"	
27 11/13/15	I hold an Alaska PE with a structural designation. Will this carry over to the new "Structural Engineer" license or will I need to resubmit for the "Structural Engineer" license? Many Western states (CA and WA come to mind) have reciprocal agreements between jurisdictions to expedite the licensing process. Will this be a consideration for the Alaska SE license?
Answer: Yes your license will carry over. You will not have to reapply under the new regulation.	
28 1/5/16	I received a technical flier early November 2015 discussing Alaska's new Structural Engineering licensure for the state and describing the requirements in acquiring structural licensure by comity. I have a few comments/questions about the proposed Alaska structural engineering licensing. Note that I am licensed as a Civil Engineer in the State of Alaska. 1. What is the reason for submitting complete structural plans (or other documents) of at least two completed significant structures including calculations stamped and signed? It seems like a lot of work for the individual and I'm a little concerned about project liability and trademark. 2. I don't understand the "letter of reference" required under section 12 AAC 36.108e. Is the reference required to have worked on the two submitted structures?
Answer: 1. The reason for submission of the project plans and calculations is to determine the engineer's ability and show they have experience in significant structures. The plans are destroyed after review by the Board. 2. The letter of reference should be someone who is familiar with your work on the project and can attest that you were the engineer in responsible charge.	