

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	<p>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.</p>
<p>Answer: Each project will be evaluated individually by the Board. The goal is to show the engineer's proficiency and competency on significant structures.</p>	
6 11/5/15	<p>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?</p>
<p>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.</p>	
7 11/5/15	<p>Why does the grandfather clause only go back last ten years [120 months] for work or design experience?</p>
<p>Answer: This is consistent with the previous grandfather clause. Last time it was going to be shorter; ultimately it was extended to 120 months.</p>	
8 11/5/15	<p>Does the grandfather clause of last ten years [120 months] for work or design experience violate the USA Interstate commerce act?</p>
<p>Answer: The Department of Law reviews all regulations prior to adoption. They are thoroughly vetted for conflict with other statutes.</p>	
9 11/5/15	<p>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?</p>
<p>Answer: The Department of Law reviews all regulations prior to adoption. They are thoroughly vetted for conflict with other statutes.</p>	
10 11/5/15	<p>Why is the grandfather clause not based on total work or design experience rather than the last ten years [120 months]?</p>
<p>Answer: The Department of Law reviews all regulations prior to adoption. They are thoroughly vetted for conflict with other statutes.</p>	
11 11/5/15	<p>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?</p>
<p>Answer: A set time limit to allow people who have performed work within ten years to become registered, consistent with the previous grandfather language.</p>	

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)(4)(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.	