TO: Mayor and City Council

FROM: Public Works Department
      Fire Department

SUBJECT: RESOLUTION: SUPPORT FOR SENATE BILL 246

RECOMMENDATION

It is recommended that the City Council adopt a resolution supporting State Senate Bill 246 (SB 246) by urging the Governor, Legislature and the California Assembly Business & Professions Committee to approve the Bill, and 1) forward the City’s position to the appropriate legislators; and, 2) authorize the City Manager to monitor and initiate proper follow-up communications and correspondence to reflect the City Council's position.

Summary

SB 246, as amended July 6, 2005, extends the sunset date for the Board for Professional Engineers and Land Surveyors to July 1, 2012, establishes a chemical control system, fire protection, nuclear, petroleum, agricultural, and traffic engineering as “practice acts” recognized in California, and provides for the discontinuation of industrial and metallurgical engineering as “title acts” recognized in California.

SB 246 affects City employees registered as Professional Fire Protection Engineers and Traffic Engineers. Passage of SB 246 would expand the scope of services that these City employee’s would be authorized to perform.

DISCUSSION

Background

Existing law establishes the Board for Professional Engineers and Land Surveyors (Board) in the Department of Consumer Affairs. Existing law requires the board to appoint an executive officer. Existing law authorizes the board to make and enforce rules and regulations that are reasonably necessary to carry out the provisions of law regulating professional engineers and land surveyors. Existing law provides that these provisions are to become inoperative and are repealed on July 1, 2006, and January 1, 2007, respectively.

SB 246 would instead make these provisions inoperative and repealed on July 1, 2012, and January 1, 2013, respectively.

Existing law recognizes three branches of engineering as "practice acts" (civil, mechanical, and electrical), nine branches of engineering as "title acts" (agricultural,
chemical, control system, fire protection, industrial, metallurgical, nuclear, petroleum, and traffic), and two "title authorities" (structural and soil). Civil engineers may practice, or offer to practice, any engineering in connection with or supplementary to civil engineering studies or activities, as defined. Any person registered under a practice act may perform any engineering work considered to be agricultural, chemical, control system, fire protection, industrial, metallurgical, nuclear, petroleum, or traffic engineering.

SB 246 would eliminate the disciplines of industrial and metallurgical engineering. SB 246 would prohibit the practicing of chemical, control systems, fire protection, nuclear, petroleum, agricultural and traffic engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in the particular discipline.

SB 246 would amend Section 6704 of the Business and Professions Code to read:

6704.
(a) In order to safeguard life, health, property, and public welfare, no person shall practice chemical, civil, control system, electrical, fire protection, mechanical, nuclear, petroleum, or traffic engineering unless appropriately licensed or specifically exempted from licensure under this chapter, and only persons licensed under this chapter shall be entitled to take and use the titles "consulting engineer," "professional engineer," "licensed engineer," or "registered engineer," or any combination of those titles or abbreviations thereof, and according to licensure with the board the engineering branch titles specified in Section 6732, or the authority titles specified in Sections 6736 and 6736.1, or the title "engineer-in-training."

On August 9, 2005, the City Council for the City of Los Angeles passed a resolution to include in its 2005-2006 Legislative Program, support of Traffic Engineering registration as a Practice, in the State of California, and to support the adoption of SB 246.

Present Situation

SB 246, as amended July 6, 2005, extends the sunset date for the Board for Professional Engineers and Land Surveyors to July 1, 2012, establishes chemical, control system, fire protection, nuclear, petroleum, agricultural, and traffic engineering as "practice acts" recognized in California, and provides for the discontinuation of industrial and metallurgical engineering as "title acts" recognized in California.

SB 246 affects City employees registered as Professional Fire Protection Engineers and Traffic Engineers. Presently, there are three professional traffic engineers and no professional fire protection engineers employed by the City. Passage of SB 246 would expand the scope of services that these City employee's would be authorized to
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perform. This bill would allow traffic engineers to sign plans that currently can only be signed by registered civil engineers. Under SB 246, any professional engineer would be allowed to sign and stamp traffic-related plans, provided that the engineer is competent and the work is incidental and in connection with their own discipline. Currently, traffic engineers are registered in the State of California, however, they cannot sign and stamp traffic-related plans. This inconsistency would be remedied by SB 246.

FINANCIAL SUMMARY
There is no financial impact to the City as a result of supporting Senate Bill 246.

PREPARED BY: Todd Greenwood, Assistant City Traffic Engineer

Respectfully submitted,

__________________________
GARY TSUTSUMI
CITY TRAFFIC ENGINEER

__________________________
RON HITTLE
FIRE CHIEF

APPROVED BY

__________________________
J. GORDON PALMER, JR.
CITY MANAGER
Resolution No. _______

STOCKTON CITY COUNCIL

RESOLUTION EXPRESSING SUPPORT FOR SENATE BILL 246

WHEREAS, any official position of the City of Stockton with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, federal government body or agency must first have been adopted in the form of Resolution by the City Council; and

WHEREAS, the City of Stockton employs Transportation Engineers that plan, design and operate the transportation system for the City and Fire Protection Engineers that plan, design, and operate fire protection systems for the City; and

WHEREAS, some of these engineers are licensed Traffic Engineers and Fire Protection Engineers, which are specialized fields of engineering that require specific skills and knowledge; and

WHEREAS, Senate Bill 246 (Figueroa) proposes to re-write the California Professional Engineers Act and convert traffic and fire protection engineering from title acts into practice acts; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council hereby supports State Senate Bill 246 (SB 246) by urging the Governor, Legislature and the California Assembly Business & Professions Committee to approve the Bill.

2. The City Manager is authorized to forward the City’s position to the appropriate legislators.

3. The City Manager is authorized to monitor and initiate proper follow-up communications and correspondence to reflect the City Council’s position.

PASSED, APPROVED and ADOPTED ____________________________

EDWARD J. CHAVEZ, Mayor
of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton