



August 16, 2012

Ms. Tonya Palmer
Chief Building Official
City of San Angelo
P.O.Box 1751
San Angelo, TX 76902

Dear Ms. Palmer:

RE: Policy Advisory Opinion Request for Manufactured Buildings.

Our original response to your request, dated October 16, 2006, has been reviewed in light of recent changes to the Texas Engineering Practice Act made by the passage of HB 2284. We are revising the original response to remove the statement that "building design is engineering". The content of the policy advisory is basically unchanged and the revised text follows.

Thank you for your email dated May 23, 2006, requesting a policy advisory opinion on manufactured buildings. We understand that you have concerns regarding the procedures being used to obtain a building permit for manufactured buildings. Specifically, you asked if an engineer's seal must be on the preliminary construction documents or if a letter of compliance containing a seal is adequate. In addition, you asked if these buildings are considered a "product." In accordance with Chapter 1001 of the Texas Occupations Code, The Texas Engineering Practice Act (Act) and Rules Concerning the Practice of Engineering and Professional Engineering Licensure, and as explained below, it has been determined that your request is addressed by existing law. A tracking number has been assigned for this request and it is Engineering Advisory Opinion Request (EAOR) #0021.

Buildings Associated with Non-Public Works

Section 1001.056 of the Act identifies building types that would be exempt from the licensing requirements. By exceeding the parameters identified in this section, this would mean that the exemption would not apply and engineering is required. In other words, a building that is greater than 5,000 square feet or one that contains an unsupported span greater than 24 feet would require a design by a licensed professional engineer. Therefore, a manufactured building that exceeds these limitations would need to be signed and sealed by the responsible Texas licensed engineer as follows:

- (a) For buildings that are incorporated into an engineering project system, the project engineer may select and review a manufactured building design specification. In this case the engineer is treating the manufactured building as a "product." The engineer then chooses to use a specific building, and must incorporate the shop drawing and specifications into his signed and sealed project drawing. By doing so, the engineer asserts that it meets the local requirements for the building code adopted by the local jurisdiction. The project engineer has the option to require the shop drawings to also be sealed by a Texas professional engineer as noted in §1001.057 (c)(1).

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- (b) For those buildings not exempt under the Act that are designed and constructed in Texas, a licensed Texas professional engineer must seal and sign the design plans.

Buildings Associated with Public Works

As required in §1 001.053, a building to be constructed in association with a public works project requires that the construction be supervised by a licensed professional engineer. For public works buildings that involve electrical or mechanical engineering and the contemplated expense exceeds \$8,000, a licensed engineer is required. For those public works buildings that do not involve mechanical or electrical engineering and the contemplated expense exceeds \$20,000, then a licensed engineer is required.

The site plan, drainage and foundation must also be designed by a licensed Texas professional engineer. If the general contractor of the site is the one responsible for the public works project, he must be aware of the requirements of the Act and hire a professional engineer to design and seal the foundation and engineering plans for buildings described above and supervise the construction. In addition, a building official has the authority to request that the design be sealed even for projects below the exempt thresholds.

Conclusion

Manufactured building designs need to be signed and sealed by licensed Texas professional engineers to either directly attest to their design or to incorporate shop drawings, designed by another, into their project if they exceed 5000 square feet and/or have unsupported spans of 24 feet or greater. In addition, for public works projects, the supervision of the construction must be performed by a licensed Texas professional engineer and the engineering design plans signed and sealed by a licensed Texas professional engineer. An entity (city or municipality) can make more stringent requirements through city resolutions or ordinances as long as there is not a conflict with the Act.

Lance Kinney, P.E.



Executive Director