

Prevailing Wage Program Opinion Letter June 24, 2011

Re: Classification under the Massachusetts Prevailing Wage Law of Pipe bursting Work

Your letter to Heather E. Rowe has been referred to me for response. In the letter, you request that the Department of Labor Standards ("DLS") confirm the job classification under the Massachusetts Prevailing Wage Law for workers who install new sewer, gas or water pipes using a process during which a new pipe is pulled through an old pipe causing the old pipe to burst, i.e. "pipe bursting." Specifically, you have asked that DLS confirm the classification during the time period from June 1, 2008 to the present, for the following categories of tasks, described in your letter, as follows:

1. The workers place the static pipe bursting machine at the receiving pit. The pipe bursting machine is set into the pit through use of an excavator.
2. The worker uses a static pipe bursting machine, which has a road spinning mechanism that is hydraulically controlled, to thread the rods together. The worker in the receiving pit pushes the rod string through the existing pipe toward the insertion pit.
3. Once the rod string reaches the insertion pit, a worker attaches the bursting tool by hand to the rod string.
4. The worker uses a high density ethylene pipe to create the new replacement pipe at the job site by wending together two separate pieces of pipe.
5. The workers, by hand, attach the new pipe to the bursting tool, which is attached to the rod string in the insertion pit.
6. In the receiving pit, the pipe bursting machine operator pulls the rod string (which is attached to the bursting tool and new pipe, which pulls the new pipe back through the existing pipe, thus, fracturing the existing pipe.

Explanation

The Massachusetts prevailing wage law applies to the construction of public works by the commonwealth, or by a county, town, authority or district. G.L. c. 149, §§26 and 27. The term "construction" includes "additions and alternations of public works" including repair or replacement of fixtures which are part of a public building or public work. See c. 149, § 27.

DLS sets prevailing wage rates established by "collective agreements or understandings in the private construction industry between organized labor and employers." G.L. c. 149, §26. DLS also looks to these agreements and understandings to determine the appropriate job classifications under the prevailing wage law. This agency has long held that the correct occupational classification for workers who perform pipe work "before the meter," i.e. in streets, is "Pipelayer." See, e.g. PW-2002-07-11.15.02. Although the pipe bursting methodology is new [\[1\]](#), DLS has reviewed the applicable collective bargaining agreements and has determined that the work described herein and the appropriate classification for the workers is "Pipelayer." [\[2\]](#)

I hope this information has been helpful. If you have any further questions, please feel free to contact me.

Sincerely,
Patricia A. DeAngelis
Acting General Counsel

[1] See the Massachusetts Department of Environmental Protection Guidelines for Pipe Bursting of Potable Water Mains, dated December 2009, which sets forth the standards for use of the methodology on water mains.

[2] See The Heavy and Highway Agreement between the Labor Relations Division of Construction Industries of Massachusetts, Inc. and the Massachusetts Laborers' District Council for the Laborers' International Union of North America AFL-CIO, effective June 1, 2008 - May 31, 2012, at Sections 13 (Excavations and Foundations Preparation and Clearance); Section 16 (Trenches, Manholes, Handling, Laying and Distribution of Pipe) and Section 19 (Sewers, Drains, Culverts, and Multiplate), which includes "Pipelaying, leveling and making of the joint of any pipe used for main or wide sewers and storm sewers...Digging under streets, roadways or aprons or other paved surfaces for the passage of pipe by hand, earth auger or other method, and manual and hydraulic jacking of pipe under said surfaces."