

Prevailing Wage Opinion Letter 10-21-02

October 21, 2002

Re: Determination of Classifications for Bituminous Concrete Dump Truck Driver and Installer of Underground Natural Gas Pipe

Your letter dated September 24, 2002 to Robert J. Prezioso, Deputy Director of the Division of Occupational Safety ("DOS"), has been forwarded to me for a response. This letter responds to your request for a determination of which occupational classification should be used for bituminous concrete dump truck driver and installer of underground natural gas pipe. You state in your letter that the bituminous concrete dump truck driver's task is to pick-up materials loaded by other parties off the individual construction site and deliver them to specific job site locations in the city of XXXX. You also state that you employ various size dump trucks from 1-ton vehicle (under 26000 GVRW requiring a CDL driving license) to a 12-ton (over 26000 GVRW requiring a CDL driving license). For the installer of underground natural gas pipe, you state that the work takes place from the City's pipe in the road and ends prior to the gas meter and that the activity requires no state license.

The Division of Occupational Safety ("DOS") issues prevailing wage schedules, which include occupational classifications and rates of wages, for public works construction projects based on "collective bargaining agreements or understandings in the private construction industry between organized labor and employers." See M.G.L. ch. 149, § 26.

The correct occupational classification for a driver of ready-mix concrete is **Ready-Mix Concrete Driver**. It is established by the Collective Bargaining Agreement between the International Brotherhood of Teamsters Local 404 and Berkshire Concrete Corporation (relevant portion attached). Other "materials," as mentioned in your letter, such as bituminous concrete, are usually transported in dump trucks that are included on prevailing wage schedules by the number of axles. See the following occupational classifications: Two-Axle Equipment Driver, Three-Axle Equipment Driver, and Four & Five-Axle Equipment Driver.

Regarding the installer of underground natural gas pipe, the correct occupational classification is **Pipelayer**. It is established by the Collective Bargaining Agreement between New England Mechanical Contractors Association, Inc. and Plumbers & Pipefitters Local 104, Western Division, Appendix C-Number 32. (relevant portion attached)

It should be noted that drivers who deliver bituminous concrete and ready-mix concrete to public construction projects are covered by the Prevailing Wage Law, Mass. G.L. c. 149, sections 26-27D, while the drivers are **on-site** at the public construction project. Those drivers are **not** covered by the prevailing wage law while off-site, including over-the-road driving and picking-up materials. See the attached DOS decision dated August 21, 2001 pertaining to bituminous concrete and ready-mix concrete drivers, as well as the notice to awarding authorities and contractors.

If you have any further questions concerning this matter, please do not hesitate to contact me.

Sincerely,
Ronald E. Maranian
Program Manager