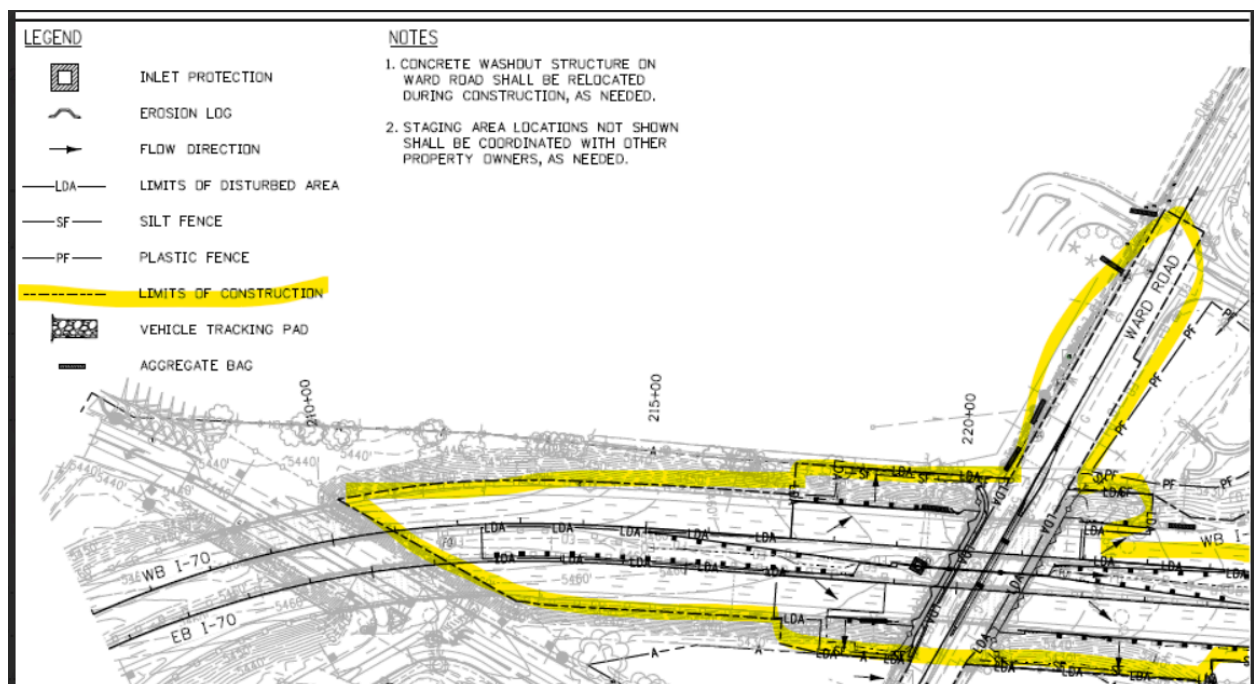


Site of Work and Trucking Roles Determination Resource Guide (2025)

At the beginning of every DBRA applicable construction project, it is recommended to work with the prime contractor to complete the Site of Work and Trucking Roles Determination Worksheet. Once completed, the Region Civil Rights Office and project staff can use this resource document to determine if a location is considered a site of work and the type of trucking role(s) performed on the project. According to the [29 CFR 5.2](#), the term “site of work” is defined as outlined in Sections I, II, III, and IV of this resource guide. This resource guide accompanies the trucking guidance as a result of the preliminary injunction issued by the US District Court for the Northern District of Texas.

I. Primary Construction Site

The primary construction site is defined as the physical place or places where the building or work called for in the contract will remain. Project limits can be located on the CDOT plans sheet to assist with determining the primary construction site location. It is standard practice to indicate the station/milepost where the project begins and ends on the cover sheet and some applicable plans sheets. Plan sheets also typically include the construction limits and the rights of way. It is recommended to reach out to the appropriate CDOT project engineer/manager for any questions on the primary construction site.



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Site of Work Determination

If it has been determined that a location on the project is considered a primary construction site, it is considered a site of work. The reporting of certified payrolls and the paying of prevailing wages are required for all time that employees are working on the primary construction site and all time that travel occurs between the primary construction site and any other location considered the site of work (i.e., secondary construction site of work and any other site of work location).

II. Secondary Construction Site

Any secondary construction site is defined as any other site(s) where a significant portion of the building or work is constructed, provided that such construction is for specific use in that building or work and does not simply reflect the manufacture or construction of a product made available to the general public, and provided further that the site is either established specifically for the performance of the contract or project, or is dedicated exclusively, or nearly so, to the performance of the contract or project for a specific period of time. A “significant portion” of a building or work means one or more entire portion(s) or module(s) of the building or work, such as a completed room or structure, with minimal construction work remaining other than the installation and/or final assembly of the portions or modules at the place where the building or work will remain. A “significant portion” does not include materials or prefabricated component parts such as prefabricated housing components. A “specific period of time” means a period of weeks, months, or more, and does not include circumstances where a site at which multiple projects are in progress is shifted exclusively or nearly so to a single project for a few hours or days in order to meet a deadline.

Bottom line: Essentially, the rule restores the notion that, to be DBRA covered, an offsite location must be “established specifically” for the project or that an existing location be “dedicated exclusively, or nearly so to the performance of the work.” The work that is done on that site will be “significant” if the construction specifically is for DBRA-covered building or work as opposed to elements that are made or built for sale to the public.

Analysis of Secondary Construction Site:

Step 1: The first step in determining a secondary site of work is to identify if a significant portion of the building or work is constructed for the project in question. For example, there is a bridge project and the bridge deck is being constructed at a different site from the primary construction site. The bridge deck is for specific use that that particular project and does not simply reflect the construction of a product made available to the general public AND

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Step 2: The site where the item is being built (bridge deck in this example) is established specifically for the performance of the contract or is dedicated exclusively or nearly so to the performance of the contract for a specific period of time. Go to Section IIIA. for the criteria of dedicated exclusively or nearly so.

If additional assistance is required regarding the determination of a secondary construction site, please contact the CDOT Civil Rights Business Resource Center (CRBRC).

Site of Work Determination

If it has been determined that a location on the project is considered a secondary construction site, it is considered a site of work. The reporting of certified payrolls and the paying of prevailing wages are required for all time that employees are working on the secondary construction site and all time that travel occurs between the secondary construction site and any other location considered a site of work (i.e., primary construction site of work and any other site of work location).

III. Dedicated Support Sites

If it has been determined that the project has a job headquarters, tool yard, batch plant, borrow pit, and/or similar facilities that are established by the contractor or subcontractor, information will need to be collected to determine if the support site is **dedicated exclusively, or nearly so**, to the performance of the contract or project (and does not fall under the exceptions listed in Section V of this resource guide).

A. Dedicated Exclusively or Nearly So

In order to determine the outcome of the support site that is dedicated **exclusively, or nearly so**, to the performance of the contract or project, it is important to collect additional information from the contractor as listed in the Site of Work and Trucking Roles Determination Worksheet under Section IB.

What is considered Dedicated Exclusively or Nearly So Mean?

- If the dedicated support site is dedicated 90-100% to the performance of the project in question - (and does not fall under the exceptions listed in Section V of this resource guide) that is considered dedicated exclusively or nearly so to the performance of the contract. The next step will be to determine if the facility is located adjacent or virtually adjacent to the primary or secondary construction site.
- If the project is dedicated less than 90% to the performance of the project in question, this facility is **not** considered dedicated exclusively or nearly so to the project and therefore, not a dedicated support site.

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The step of determining if the facility is located adjacent or virtually adjacent is **not** required.

B. Determination of location to be adjacent or virtually adjacent

If it has been determined that the support site is dedicated exclusively or nearly so to the performance of the project, the next step will be to determine if the dedicated support site is located adjacent or virtually adjacent to the primary or secondary construction site. Also, covered are locations adjacent or virtually adjacent to a primary construction site at which workers perform activities associated with directing vehicular or pedestrian traffic around or away from the primary construction site.

The Site of Work and Trucking Roles Determination Worksheet asks for the distance (in miles) between the facility and the primary or secondary construction site. Additional questions may need to be asked of the contractor which would include details about the support site in question and its location relative to the project site (i.e., is the facility as close to the project location as reasonably feasible given mountainous terrain, etc).

Please note that the US DOL has not identified a specific distance threshold between the dedicated support site and the primary/secondary construction site to determine the adjacent or virtually adjacent definition. Each situation to determine whether or not a dedicated support site is considered adjacent or virtually adjacent will need to be evaluated on a case-by-case basis. If additional support is required, please reach out to the CDOT Civil Rights Business Resource Center.

Site of Work Determination

Offsite: If it has been determined that either: 1) the support site is **NOT** established exclusively or nearly so to performance of the contract or 2) the support site was established exclusively or nearly so to the performance of the contract, however, the facility is **NOT** located adjacent or virtually adjacent to the primary/secondary construction site, that support site will be considered an offsite location. All haulers performing in this role would be considered a supplier truck driver and are performing offsite delivery work. A CDOT Form 1425 is required for the supplier truck driver for contracts in excess of \$10,000 and certified payroll and prevailing wage is not required.

Onsite: If it has been determined that the support site is dedicated exclusively or nearly so to the performance of the contract **AND** is located adjacent or virtually adjacent to the primary construction site or a secondary construction site, this site is considered a “dedicated support site.”

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For all employees performing work at the dedicated support site, they shall be paid prevailing wage and certified payrolls shall be reported for all time while working on the site of work. All truckers that are hauling from this dedicated support site are considered a subcontractor truck driver and shall report certified payrolls and pay prevailing wage for all time spent hauling between this dedicated support site and another location that is considered the site of work. A CDOT Form 205 is required to be submitted for all truckers hauling from this location.

IV. Source of Material Determination

It is important to have information about the source of material that is being hauled and incorporated into the project in order to determine if that source facility is considered an onsite or offsite location. The Region Civil Rights Office and project staff can utilize the Site of Work and Trucking Roles Determination Worksheet, Section IA., to gain information on this topic. If the facility, where material is coming from, has been determined to be dedicated exclusively or nearly so to the performance of the contract **AND** located adjacent or virtually adjacent to the primary or secondary construction site, this facility is deemed to be a dedicated support site.

A. Dedicated Exclusively or Nearly So

If the outcome of the inquiry indicates that the facility is established for the project in question (from Section IA. of the Site of Work and Trucking Roles Determination Worksheet), the next step will be to determine if that facility is **dedicated exclusively, or nearly so**, to the performance of the project. Section IB. of the worksheet shall be completed to gain additional information.

What is considered Dedicated Exclusively or Nearly So Mean?

- If the facility, where the material is coming from, is dedicated 90-100% to the performance of the project in question (and does not fall under the exceptions listed in Section V of this resource guide)- that is considered dedicated exclusively or nearly so to the project. If the facility is dedicated less than 90% to the performance of the project in question, no additional information is required, the facility would **not** be considered a site of work.

Based on the answers provided by the contractor, if the facility, where the material is coming from, is determined to be **dedicated exclusively or nearly so** to the performance of the project, the next step will be to establish if the facility is adjacent or virtually adjacent to the primary or secondary construction site. It is also important to review Section V, Exceptions to Site of Work of this resource guide for the determination.

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B. Adjacent or Virtually Adjacent

If it has been determined that the facility, where the material is coming from, is dedicated exclusively or nearly so to the performance of the project, the next step will be to determine if the location of the facility is located adjacent or virtually adjacent to the primary or secondary construction site. Also, covered are locations adjacent or virtually adjacent to a primary construction site at which workers perform activities associated with directing vehicular or pedestrian traffic around or away from the primary construction site.

The Site of Work and Trucking Roles Determination Worksheet asks for the distance (in miles) between the facility and the primary or secondary construction site. Additional questions may need to be asked of the contractor which would include details about the facility in question and its location relative to the project site (i.e., is the facility as close to the project location as reasonably feasible given mountainous terrain, etc).

Please note that the US DOL has not identified a specific distance threshold between the facility and the primary/secondary construction site to determine the adjacent or virtually adjacent definition. Each situation to determine whether or not the facility is considered adjacent or virtually adjacent will need to be evaluated on a case-by-case basis. If additional support is required, please reach out to the CDOT Civil Rights Business Resource Center.

Site of Work Determination

Offsite: If it has been determined that either: 1) the facility, where the material is coming from, is **NOT** established exclusively or nearly so to the project or 2) the facility was established exclusively or nearly so to the project, however, the facility is **NOT** located adjacent or virtually adjacent, that facility will be considered an offsite location and that facility is **NOT** considered site of work.

All haulers performing in this role would be considered a supplier truck driver and will require a CDOT Form 1425 to be submitted for contracts in excess of \$10,000 and certified payroll and prevailing wage is not required.

Onsite: If it has been determined that the facility, where the material is coming from, is dedicated exclusively or nearly so to the performance of the project (and does not fall under the exceptions listed in Section V of this resource guide) **AND** is located adjacent or virtually adjacent to the primary construction site or a secondary construction site, this facility is considered to be the site of work.

For all employees performing work at this facility, they shall be paid prevailing wage and certified payrolls shall be reported for all time while on the site of work. All truckers that are hauling from this facility are considered a subcontractor truck driver

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and shall report certified payrolls and pay prevailing wage for all time spent hauling between this facility and another location that is considered the site of work. A CDOT Form 205 is required to be submitted for all truckers hauling from this location.

V. Exceptions to Site of Work

With the exception of locations that are considered the primary or secondary construction sites or adjacent or virtually adjacent dedicated support sites, the site of work does not include the following:

- Permanent home offices, branch plant establishments, fabrication plants, tool yards, etc., of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to a particular Federal or federally assisted contract or project; or
- Fabrication plants, batch plants, borrow pits, job headquarters, tool yards, etc., of a material supplier, which are established by a material supplier for the project before opening of bids and not on the primary construction site or a secondary construction site, even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract.

VI. Hauling Activity

Questions regarding the hauling activities that will be occurring on the project, are included on the Site of Work and Trucking Roles Determination Worksheet, Section II. There may be a situation where there is a combination of offsite and onsite hauling activities that will occur, and it is important for the Region Civil Rights Office and the project staff to have a clear understanding of trucking in order to follow through on the applicable requirements. The following is an outline of some trucking scenarios that may occur on the same day or different days throughout the project:

Offsite Delivery Work (No - Certified Payroll) (Supplier Truck Driver)	Onsite to Onsite (Yes - Certified Payroll) (Subcontractor Truck Driver)	Hauling Material from Onsite to Offsite Solely (Yes - Certified Payroll) (Subcontractor Truck Driver)
Trucker A	Trucker A	Trucker A
Trucker B	x	Trucker B
Trucker C	x	x

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Trucker A will need to track and report all of the time that they spent hauling from an onsite location to another onsite location and also when hauling from the onsite location to an offsite location solely (performing in the subcontractor truck driver role). This trucker will be required to report certified payroll when operating in this truck driver role.

Offsite Delivery Work: The truck driver is solely hauling from an offsite location to an onsite location. In this instance, the trucker does not need to report certified payroll or track their time while performing offsite delivery work in the supplier truck driver role.

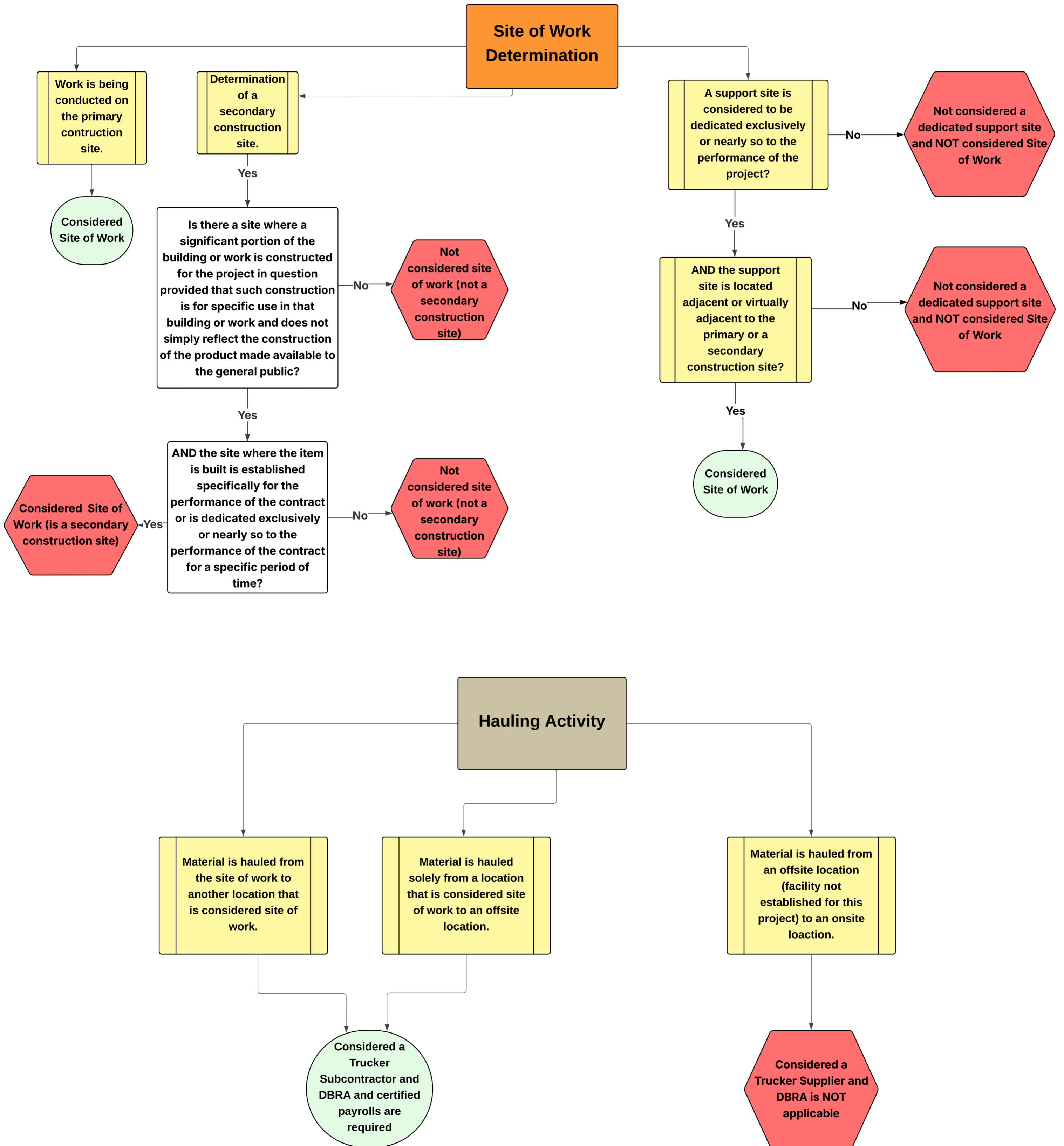
Trucker B will need to track and report certified payroll all time that they spent hauling from an onsite location to an offsite location solely in the subcontractor truck driver role. They will **not** need to report or track the time that they spent performing offsite delivery work in the supplier truck driver role.

Trucker C will **not** need to track and report certified payroll for all time on the project spent performing offsite delivery work as they are only performing in the supplier truck driver role.

It is important that the prime contractor and truck driver track the appropriate time spent on the site of work depending on the role that the truck driver is operating in. If the truck driver is operating in dual roles (both a subcontractor and supplier truck driver) the time spent in the subcontractor roles shall be tracked and reported on certified payroll accordingly.

For additional support in understanding the trucking activity on the project, the Region Civil Rights Office can request (from the prime contractor) a list of the trucking companies and their anticipated hauling roles (onsite or offsite delivery work). For example, if a truck driver performing offsite delivery work has a contract less than \$10,000, no 1425 is required and therefore, there will be no documentation of who is performing this work on the project.

Site of Work and Hauling Activity Flowchart (Preliminary Injunction 2025)



Flowchart Site of Work and Hauling Activity Workflow (Preliminary Injunction 2025) Text Version

1. Start: Site of Work Determination
2. There are three categories to determine if a location is a site of work: primary construction site, secondary construction site, and a dedicated support site.
3. All work being conducted on the primary construction site is considered site of work.
4. To determine if work is being conducted on the secondary construction site, continue to step 5.
5. Decision Item: Is there a site where a significant portion of the building or work is constructed for the project in question provided that such construction is for specific use in that building or work and does not simply reflect the construction of the product made available to the general public?
 - If no, this site is not determined to be a secondary construction site and therefore, site of work.
 - If yes, continue to step 6.
6. Decision Item: Is the site where the item is built established specifically for the performance of the contract or is dedicated exclusively or nearly so to the performance of the contract for a specific period of time?
 - If no, this site is not determined to be a secondary construction site and site of work.
 - If yes, this site is considered a secondary construction site and therefore, a site of work.
7. Decision Item: Is the support site considered to be dedicated exclusively or nearly so to the performance of the contract?
 - If no, this site is not considered to be a dedicated support site and not a site of work.

- If yes, continue to step 8.
8. Is the support site located adjacent or virtually adjacent to the primary or secondary construction site?
 - If no, this site is not considered to be a dedicated support site and not a site of work.
 - If yes, this site is a dedicated support site and therefore, site of work.
 9. End of process flow for site of work determination.
 10. Start: Hauling Activity Determination
 11. There are three categories of hauling activities to be considered when determining if the hauling activity is subject to certified payrolls and Davis-Bacon and Related Acts (DBRA).
 12. If material is hauled from the site of work to another location that is considered site of work, this hauler is considered a trucker subcontractor and DBRA and certified payrolls are required.
 13. If material is hauled solely from a location that is considered site of work to an offsite location, this hauler is considered a trucker subcontractor and DBRA and certified payrolls are required.
 14. If material is hauled from an offsite location (a facility not established for this project) to an offsite location, this hauler is considered a trucker supplier and DBRA and certified payrolls are not required.
 15. End of process flow for hauling activity.