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NEW YORK STATE

Department of Labor

PREVAILING WAGE FOR HAULING OF AGGREGATE SUPPLY CONSTRUCTION MATERIAL

This fact sheet is intended to outline the prevailing wage requirements for the hauling of aggregate supply construction material as defined in New York State Labor Law Section 220(3-a)(f).

IMPORTANT DEFINITIONS¹

WORKSITE

An area of improvements defined within the construction contract and any surrounding areas supporting such specific project. If the contracting entity designates or provides any additional surrounding area to support the worksite, such as a staging area, vehicle parking, or safety perimeter, that area is considered a part of the worksite.

CENTRAL STOCKPILE

A location where materials meant only for use on a specific public work project are kept. This location is not part of the worksite but is meant to support the worksite. This includes all dedicated sites established by a contractor for centrally stockpiling materials.

AGGREGATE SUPPLY CONSTRUCTION MATERIALS

Sand, gravel, stone, crushed stone, dirt, soil, millings, and fill.

VENDOR

Includes suppliers of aggregate hauling construction material, such as plants, quarries, or retailers.

AGGREGATE HAULING PREVAILING WAGE REQUIREMENTS

- Prevailing Wage must be paid for any work involving the delivery to and hauling from worksites of aggregate supply construction materials, as well as any return hauls (whether empty or loaded), and any time spent loading/unloading at the worksite or a central stockpile location.
- Prevailing wage must be paid for work performed within a 50-mile radius of a worksite involving the delivery of aggregate supply construction materials from a vendor of aggregate supply construction materials, such as a plant or quarry, to a worksite. This includes empty return hauls made between the worksite and vendor.
- Workers must be compensated at the prevailing wage for their time driving between a worksite and a central stockpile, as well as any time spent loading or unloading aggregate supply materials at both locations.
- Any employees helping load or unload aggregate supply construction materials onto or off vehicles at the worksite or central stockpile must be paid the prevailing wage. This applies to all laborers, workers and mechanics employed under a public works contract.
- Employees must be paid the prevailing wage for the county in which the worksite is located for all relevant work performed on the worksite. This includes any travel between the worksite and central stockpile, regardless of stockpile location in a separate county, as well as any deliveries from a vendor within a 50-mile radius of the worksite.

¹See Part 222 of Title 12 NYCRR

GEOGRAPHIC BOUNDARIES FOR AGGREGATE HAULING PREVAILING WAGE REQUIREMENTS & VENDORS

- Deliveries of aggregate supply construction materials from a vendor, such as a plant or quarry, to a worksite are subject to the prevailing wage if the work is performed within a 50-mile radius of the worksite.
- Regardless of where the limits of a 50-mile radius may fall, any work or travel time performed outside of New York State is **not** subject to prevailing wage requirements.
- Travel or loading time spent outside of the 50-mile radius surrounding the worksite does not require a prevailing wage.
- Contractors and subcontractors should make reasonable and good faith efforts to establish a 50-mile radius based on individual facts and circumstances.

EXCEPTIONS TO AGGREGATE HAULING PREVAILING WAGE REQUIREMENTS

- Deliveries of aggregate supply construction material from a vendor to a central stockpile are not subject to the prevailing wage. Only deliveries from a vendor directly to a worksite are subject to the prevailing wage (within a 50-mile radius of such worksite).
- If there is not a specific public work project involved, deliveries made directly to a public entity are not covered by prevailing wage regulations when aggregate supply construction materials are being stockpiled for an undetermined future use, or for a self-performed project handled by the public entity's employees.
- A single delivery within a 50-mile radius of the worksite by a driver employed by a supply vendor to a worksite is not subject to the prevailing wage. If there is a second delivery in a day from the same vendor, even if a different driver is sent, all deliveries to the worksite that day from that same vendor are covered by the prevailing wage.

NYSdol BUREAU OF PUBLIC WORK & PREVAILING WAGE ENFORCEMENT

- The Bureau of Public Work & Prevailing Wage Enforcement at the New York State Department of Labor is responsible for enforcing prevailing wage laws in New York State.
- Beginning December 30, 2024, contractors and subcontractors must register with the Bureau of Public Work & Prevailing Wage Enforcement prior to bidding on public work projects or commencing work on a private covered project that is subject to the prevailing wage requirements. For more information, see Labor Law Section 220-i.
- The Bureau of Public Work & Prevailing Wage Enforcement publishes the annual prevailing wage schedule every year on July 1. To find information about the prevailing wage rate for your area, or to find contact information for your local Public Works and Prevailing Wage Enforcement District Office, please visit: dol.ny.gov/bureau-public-work-and-prevailing-wage-enforcement.