



RIGHT-OF-WAY DONE RIGHT FAQ

TRAFFIC CONTROL WORK IN THE RIGHT-OF-WAY IS DANGEROUS!

It is essential that investments maximize worker and public safety and that the work is performed by a workforce that is well-trained and paid a wage that attracts high-quality workers and helps build healthy, self-sufficient communities.

On September 14, 2022, the Board of Supervisors directed the Chief Administrative Officer to develop and return with an ordinance that codifies a minimum wage for traffic control workers, including forepersons and other on-site staff necessary for traffic control, doing work on County of San Diego-maintained roads equal to or greater than the prevailing wage that is set by the Department of Industrial Relations in the State of California for traffic control on public works projects according to the type of work and location of the project.

1 WHAT DOES THE RIGHT OF WAY ORDINANCE DO?

Requires a prevailing wage be paid for all traffic control work performed by traffic control workers on roads maintained by the County of San Diego, with or without a permit.

2 WHAT IS THE CURRENT PREVAILING WAGE FOR TRAFFIC WORKERS?

The Prevailing Wage Rate* for Building Construction Traffic Control Work - **\$69.68**²

The Prevailing Wage Rate* for Engineering Construction Traffic Control Work - **\$70.92**³

3 WHO DOES IT APPLY TO?

All Traffic Control Workers meaning: any person engaged in stopping, slowing or directing traffic through a construction site or other portion of a Highway subject to a disruption in travel, including forepersons and other on-site staff necessary for traffic control, doing work on County of San Diego maintained roads.

4 WHEN DOES THE ORDINANCE TAKE EFFECT?

Any permit or approval **issued** by the County of San Diego **after March 10, 2023**, to perform work within a Highway that requires the use of a Traffic Control Worker must comply with this ordinance.

5 WHO DOES THIS ORDINANCE NOT APPLY TO?

Prevailing Wage Rates for Traffic Control Work do not apply to Small Projects which includes:

- A single-family residence;
- Event sponsored by a non-profit organization that makes use of a highway for no more than one day; or
- Any project costing less than \$1,000

6 WHAT IS THE PENALTY FOR NOT PAYING PREVAILING WAGE TO TRAFFIC CONTROL WORKERS?

Any failure to pay the required wage may, without limitation, be enforced by the Deputy Director of the Office of Labor Standards and Enforcement. Remedies can include: citation, civil penalty, injunctive relief (not limited to a stop work order).

7 HOW CAN A WORKER FILE A COMPLAINT AGAINST THEIR EMPLOYER IF THEY BELIEVE THEY WERE NOT PAID PREVAILING WAGE?

If you believe your rights under the Right-of-Way Done Right ordinance have been violated, you may file a complaint with the San Diego County OLSE by visiting www.sandiegocounty.gov/content/sdc/OLSE.html or by giving our office a call at (619) 531-5129.

8 WHAT IF I AM AN EMPLOYER AND I STILL HAVE QUESTIONS?

Contact the County of San Diego Department of Public Works at (858) 694-3850 for further information.

9 WHAT ABOUT CURRENT EXISTING COLLECTIVE BARGAINING AGREEMENTS?

The Right-of Way ordinance requirements will apply to applicable permits regardless of a permit holder's collective bargaining agreements with its employees.

¹ The Director of the California Department of Industrial Relations determines the general prevailing rate of per diem wages for a particular craft, classification, or type of worker by geographical area.

² General determinations are typically issued twice a year on February 22 and August 22.

³ The prevailing wage rate is the entirety of all of the following = \$42.71 (basic hourly rate) + \$9.25 (health and welfare) + \$11.24 (pension) + \$5.20 (vacation and holiday) + \$0.80 (training) + \$0.48 ("other") = **\$69.68**

The prevailing wage rate is the entirety of all of the following = \$43.83 (basic hourly rate) + \$9.25 (health and welfare) + \$11.24 (pension) + \$3.00 (vacation and holiday) + \$0.80 (training) + \$2.80 ("other") = **\$70.92**

*Labor agreements in compliance with currently approved rates by the DIR for the scope of work including traffic control work are in compliance with this ordinance.

