



2601 South 35<sup>th</sup> Street, Suite 200  
Tacoma, WA 98409

(253) 473-4494 Phone  
(253) 473-0599 Fax

January 29, 2016

Jim Christensen  
Industrial Statistician/Program Manager  
Department of Labor & Industries  
Prevailing Wage  
P O Box 44540  
Olympia, WA 98504-4540  
[Jim.Christensen@Lni.wa.gov](mailto:Jim.Christensen@Lni.wa.gov)

Reference: Prevailing Wage Determination – Construction Site Surveyors  
Sound Transit - Point Defiance Bypass Track and Signal Improvements project

Dear Mr. Christensen:

The purpose of this letter is to request a determination for the performance of specific surveying activity on the Sound Transit – Point Defiance Bypass Track and Signal Improvements project.

Background of Reason for this Request:

On January 4, 2016, Sound Transit issued a letter (attached) to Stacy and Witbeck Inc. (SWI) stating that Sound Transit believes that activities performed by Apex Engineering fall under the prevailing wage criteria for the project. SWI provided a copy of this letter to Apex to remind us that we are obligated to pay prevailing wages on this project. Apex disagreed with the position of Sound Transit; however, did follow Sound Transit's recommendation and immediately adjust the pay rates for the survey work pending the results of this determination from Department of Labor & Industries.

Contractor and Work Being Performed:

Currently, Stacy and Witbeck Inc. (SWI) is under contract (No. RTA/CN 0132-14) with Sound Transit for the construction of the Point Defiance Bypass Track and Signal Improvements. Apex Engineering, PLLC has signed a Professional Services Subcontract Agreement with SWI for construction layout and professional design and/or engineering services (see attached agreement). Under the terms of this contract we are obligated to pay prevailing wages for the survey work applicable to WAC 296-127-01396. We acknowledge that any layout performed to be consistent with the definition of the Construction Site Surveyor under this rule will require the payment of prevailing wages. We seek your determination for those specific and specialized activities being requested that we do not believe are subject to paying prevailing wage rates.

In this case, we were specifically requested by SWI to survey the land areas for the purpose of determining the topography and then provide an analysis of the areas which are inconsistent with the design plans issued for construction by Sound Transit. This work was performed inside and outside of the project limits and was not establishing a location, an elevation or grade, distances, and other



measurements for the layout of work. Further, the collection of this data was not used as the basis of a GPS or model for staking. The topography survey was performed at the request of SWI and was under the direct supervision of a licensed Professional Land Surveyor in Washington State pursuant to RCW 18.43, RCW 58.09, Chapter 196 WAC and Chapter 332-130 WAC. All electronic information provided to SWI was preliminary and hardcopies were stamped and sealed as required under Chapter 196-23 WAC.

For clarification purposes (copies provided);

Under the project contract specifications, Section 01 71 23 FIELD ENGINEERING clearly states and specifically under Item 3.01A1; "Perform all survey work under the direction and supervision of a Licensed Professional Land Surveyor registered in the State of Washington.

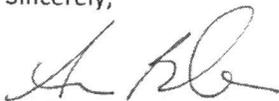
RCW 18.43.020(7) states, "only a person who, by reason of his or her special knowledge of the mathematical and physical sciences and principles and practices of land surveying, which is acquired by professional education and practical experience, is qualified to practice land surveying and as attested to by his or her legal registration as a professional land surveyor."

RCW 18.43.020(9) further states; "(9) "Practice of land surveying" means assuming responsible charge of the surveying of land for the establishment of corners, lines, boundaries, and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries, and monuments of land after they have been established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill."

Hopefully, you find this information useful in determining whether the topography survey portion of our work meets the criteria for paying prevailing wages under WAC 296-127-01396. It is my understanding that this specific work performed by Apex does not fall under the prevailing wage criteria for the project but rather falls under professional land survey services as defined above. Further, it is my reading of RCW 18.43.020, RCW 58.09, Chapter 196 WAC and Chapter 332 WAC and the contract specification Section 017123, that only a Licensed Professional Land Surveyor registered in the State of Washington can perform and direct this specific type of work. While the contract can stipulate that the contractor must hire a professional land surveyor, it does not supersede any professional services that the surveyor provides pursuant to RCW 18.43.

We appreciate your review and consideration of this matter and please let me know if you have any additional questions or if we can provide any other information that might be necessary to aid in your ultimate determination for this work. I can be reached at (253) 473 - 4494, Ext. 1178.

Sincerely,



Aaron B Blaisdell, PLS  
Principal

