



**ADMINISTRATIVE POLICY
STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
PREVAILING WAGE**

TITLE: TRAVEL TIME FOR PUBLIC WORKS PROJECTS

NUMBER: PW.A.1

**CHAPTER: RCW [39.04](#); [39.12](#); [39.12.010](#);
[39.12.020](#); [39.12.030](#); [49.46](#)
WAC [296-127-010](#); [296-127-013](#);
[296-127-018](#); [296-127-020](#)**

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SEE ALSO [ES.C.2](#)

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This policy is designed to provide general information in regard to the current opinions of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Prevailing Wage should be consulted.

This document is effective as of the date of print and supersedes all previous interpretations and guidelines. Changes may occur after the date of print due to subsequent legislation, administrative rule, or judicial proceedings. The user is encouraged to notify the Program Manager to provide or receive updated information. This document will remain in effect until rescinded, modified, or withdrawn by the Director or his or her designee.

This policy provides guidance on prevailing wage requirements during travel time. This guidance is based on the Prevailing Wages on Public Works Act, [RCW 39.12](#), Minimum Wage Act, [RCW 49.46](#), and applicable Washington Administrative Codes (WACs).

1. Prevailing Wage May Be Required for Time Spent Traveling Related to the Public Works Project.

Employers must look to both the Minimum Wage Act and Prevailing Wage Act to determine whether travel time is compensable and if so, whether prevailing wage must be paid for this work related to a public works project. Public works includes all work, construction, alteration, enlargement, improvement, repair, and demolition. See [RCW 39.04.010\(4\)](#) and [WAC 296-127-010](#). Time spent traveling related to a public works project may be considered hours worked.

Employers must pay employees for all “hours worked.” “Hours worked” means all work requested, suffered, permitted, or allowed while on duty on the employer’s premises or at a prescribed workplace, and includes travel time, training and meeting time, wait time, on-call time, preparatory and concluding time, and may include meal periods. “Hours worked” includes all time worked regardless of whether it is a full hour or less. To determine whether time is compensable, see Administrative Policy [ES.C.2](#), “Hours Worked.” If the travel time is compensable, then prevailing wage may be required for this time.

2. Travel Time To, From, and Between Public Works Project Sites – Travel Origin and Destination.

Prevailing wage is required for work upon a public works project. This may extend to work not performed on the public works project including travel time in certain circumstances. Where the travel originates can impact whether or not the worker must be paid the prevailing wage rate for the travel time.

For example, travel time between two public works projects requires payment of the prevailing wage rate. Below are different types of travel time scenarios related to public works projects. Specific examples are provided in later sections.

2.1 Time Spent Traveling Between Public Works Projects. Travel time between two public works projects, requires payment of the prevailing wage rate. This applies to the driver as well as passengers.

2.2 Time Spent Traveling Between the Worker's Residence and the Employer's Place of Business. To determine whether time spent traveling between the worker's residence and the employer's place of business is compensable, see Administrative Policy [ES.C.2](#), "Hours Worked."

If the travel time between the worker's residence and the employer's place of business is not compensable, then prevailing wage is not required for this time. This is true when traveling between a worker's residence and the employer's place of business, but may be different when traveling between their residence and the public works project. For additional guidance see [Section 2.7 Time Spent Traveling Between a Worker's Residence and the Public Works Project](#).

2.3 Time Spent Driving, and not as a Passenger, Between the Employer's Place of Business and the Public Works Project. Time spent driving between the employer's place of business and the public works project is generally considered hours worked. To determine whether this time is compensable, see Administrative Policy [ES.C.2](#), "Hours Worked."

If the travel time between the employer's place of business and the public works project is not compensable, then payment of prevailing wage is not required for this time. However, if the travel time between the employer's place of business and the public works project is compensable, then prevailing wage may be required for this time.

Prevailing wage is required for the time spent driving to the public works project if, in preparation for the job, the worker must load materials and/or equipment, into the vehicle in order to perform work related to the public works project. Prevailing wage is required if the worker must deliver and/or return materials and/or equipment to the employer's place of business. Prevailing wage must also be paid for the time spent loading and unloading the materials and/or equipment.

Prevailing wage is required for the time spent driving a vehicle or power equipment to the public works project if the vehicle or power equipment is necessary to perform operations upon the public works project.

For example, a worker must be paid the prevailing wage rate for driving a vector truck, boom truck, street sweeper, or fuel truck between the employer's place of business and the public works project. See [Section 5.0 for Incorporation, Stockpiles, Concrete, and](#)

[More Under WAC 296-127-018](#). See [WAC 296-127-01354](#) for examples of power equipment.

EXAMPLE 2.3-1: Along with the travel time from the employer's place of business to the public works project, if a vactor truck has vacuumed up slurry from a public works project, the travel time requires payment of the prevailing wage rate for the return trip to the employer's place of business, as well as the travel time related to discharging the slurry from the vactor truck.

Prevailing wage is required for the travel between the public works project and the employer's place of business if the worker is required to unload materials and/or equipment at the employer's place of business. Hauling debris or discarded materials from the public works project to the employer's place of business or elsewhere remains part of the public work. So the travel between the public works project and the employer's place of business would also require payment of the prevailing wage rate.

Additionally, once the worker is at the employer's place of business, if the worker must perform any additional work such as clean up or disposal connected with the public works project, that work also requires payment of the prevailing wage rate. For example, removing debris from the truck after returning to the shop requires payment of the prevailing wage rate.

EXAMPLE 2.3-2: A worker drives an "empty" pickup truck for the first trip of the day to the public works project, and/or drives from a public works project at the end of the workday to return to the employer's place of business. The worker is not transporting any debris, supplies, and/or equipment to or from the project. While the worker's time is compensable, prevailing wage is not required for the travel time if there is no other work activity associated with the public works project.

2.4 Time Spent Traveling as a Driver or Passenger Between the Employer's Place of Business and the Public Works Project. L&I generally does not consider time spent riding as a passenger between the employer's place of business and the public works project as hours worked when a worker voluntarily reports to the employer's location merely to obtain a ride as a passenger for the worker's convenience.

To determine whether this time is compensable, see Administrative Policy [ES.C.2](#), "Hours Worked." If the travel time between the employer's place of business and the public works project is not compensable, then prevailing wage is not required for this time.

If a worker travels between a public works project and the employer's place of business to load or unload materials and/or equipment for the public works project during the course of the day, the worker must be paid the prevailing wage rate for this time. This applies to the driver and any passengers who perform this work.

2.5 Time Spent Traveling to the Public Works Project in an Employer-Provided Vehicle Such as a Bus or Van. Prevailing wage is not required for time spent riding as a passenger to a public works project when a worker voluntarily rides on an employer-provided bus merely to obtain a ride as a passenger for the worker's convenience.

L&I generally considers time spent driving a vehicle between the employer's place of business and the public works project as hours worked. The driver of this vehicle is not required to be paid prevailing wage for this travel time unless the public works contract requires transportation and/or the driver performs some additional work such as loading materials and/or equipment onto the vehicle for the public works project.

2.6 Time Spent Traveling Between the Private Work and a Public Works Project.

Travel from a public works project to private work does not require prevailing wage. L&I uses the following criteria to determine if prevailing wage is required for travel from private work to the public works project.

- Transporting necessary materials: Prevailing wage is required for the time spent traveling from private work to the public works project if the worker transports materials and/or equipment necessary to perform operations upon the public works project.
- Necessary vehicles or power equipment: Prevailing wage is required for the time spent driving a vehicle or power equipment from a private work to the public works project if the vehicle or power equipment is necessary to perform operations upon the public works project.
- Loading necessary materials/equipment: Prevailing wage is required for the time spent loading materials and/or equipment and traveling from an off-site location to deliver to a public works project, even if the drive started at a private work.

2.7 Time Spent Traveling Between a Worker's Residence and the Public Works Project.

L&I does not generally consider time spent traveling between a worker's residence and the public works project as part of a regular commute as hours worked. To determine if this time is compensable, see Administrative Policy [ES.C.2](#), "Hours Worked."

If the travel time between a worker's residence and the public works project is not compensable, then prevailing wage is not required for this travel time. However, if this travel time is compensable, then the prevailing wage rate may be required for this travel time.

Prevailing wage is required for the time spent driving to the public works project from a worker's residence if the worker must load materials and/or equipment into the vehicle in order to perform work related to the public works project, including the time spent loading. Prevailing wage is also required if the worker must return materials and/or equipment to their residence, including the time spent unloading.

Prevailing wage is required for the time spent driving the vehicle or power equipment from a worker's residence to the public works project if the vehicle or power equipment is necessary to perform operations upon the public works project.

Hauling debris or discarded materials from the public works project to the worker's residence or elsewhere remains part of the public work. The travel between the public works project and this location requires payment of the prevailing wage rate.

2.8 Time Spent Traveling Between the Staging Yard and the Public Works Project.

The work at the staging yard (a location away from the public works project used by the contractors for purposes such as storing materials and/or equipment), as well as travel

between the staging yard and the public works project, require payment of the prevailing wage rate. The staging yard is considered an extension of the public works project.

2.9 Time Spent Traveling Between the Public Works Project and a Supply Source.

The time spent traveling between a public works project and a supply source (such as a store, distribution center, retailer, or warehouse) to pick up or return materials and/or equipment requires payment of the prevailing wage rate. See [Section 4 Travel Time for Workers of Fabricators and Manufacturers for Transporting Nonstandard Items Specifically Produced for the Public Works Project](#).

2.10 Time Spent Traveling Between an Employer’s Fabrication Shop and a Supply Source.

When manufacturing or fabricating nonstandard items produced specifically for a public works project, the time spent traveling between an employer’s fabrication shop and a supply source to pick up or return materials and/or equipment requires payment of the prevailing wage rate. [See Addendum A “OFF-SITE FABRICATION OR MANUFACTURE: APPLICATION OF CHAPTER 39.12 RCW” to help determine what is a nonstandard item.](#)

2.11 Time Spent Hauling Materials To and From the Public Works Project.

Time spent hauling materials, debris, or discarded materials to and from the public works project requires payment of the prevailing wage rate. The return trip to the public works project also requires payment of the prevailing wage rate even if the vehicle is now empty.

Hauling materials, debris, or discarded materials from the public works project to the employer’s place of business or elsewhere remains part of the public work and the travel between the public works project and the employer’s place of business requires payment of the prevailing wage rate.

3. Travel Time Includes Wait Time.

Travel time includes time spent waiting to load, loading, transporting, waiting to unload, and delivering materials. If the travel time requires payment of prevailing wage, then the wait time also requires payment of prevailing wage.

4. Travel Time for Workers of Fabricators and Manufacturers for Transporting Nonstandard Items Specifically Produced for the Public Works Project.

Fabricator and manufacturer workers and subcontractors’ workers must be paid the prevailing wage rate for travel time to transport and deliver nonstandard items to the public works project, the hiring contractor’s place of business, or other location. See [WAC 296-127-010\(7\)\(a\)\(vi\)](#); [WAC 296-127-020\(3\)](#). Below are example scenarios related to these workers’ travel times.

The examples below are applicable if the worker of the fabricator/manufacturer or the worker of a hired third party delivers the nonstandard item.

EXAMPLE 4-1: A countertop fabricator cuts a marble slab in-shop to specifications for a public works project. Because this item was fabricated to the project’s specifications, this countertop is a nonstandard item and the worker’s fabrication work requires payment of the prevailing wage rate. The delivery by the worker of the custom-made marble countertop also requires payment of the prevailing wage rate.

EXAMPLE 4-2: A manufacturer of custom-made cabinets gets them painted by a different business. The travel time transporting the custom-made cabinets between the cabinet manufacturer and the painting company requires payment of prevailing wage, and the work to manufacture and paint the custom-made cabinets also requires payment of the prevailing wage rate.

EXAMPLE 4-3: A sheet metal shop fabricates ductwork in-shop to specifications for a public works project. Because the ductwork was fabricated to the project's specifications, it is a nonstandard item and worker must be paid the prevailing wage rate for the fabrication work. The delivery of the ductwork by a worker also requires payment of the prevailing wage rate.

4.1 Return Trip Following the Delivery of a Nonstandard Item to the Public Works Project May Require Prevailing Wages. The return trip after delivering a nonstandard item by a fabricator or manufacturer worker requires payment of the prevailing wage rate when the driver performs additional work related to the public works project. Prevailing wage is not required for the return trip when the driver performs no additional work related to the public works project.

EXAMPLE 4.1-1: A countertop fabricator worker delivers a custom-made marble countertop to the public works project and performs no other activity related to the project. The driver then returns to the shop without transporting items back from the project. The trip to deliver the item requires payment of the prevailing wage rate, but the return trip to the shop does not require payment of prevailing wage.

EXAMPLE 4.1-2: A countertop fabricator worker delivers a custom-made marble countertop to the public works project. At the public works project, a worker removes the old countertop as part of a remodel. Another worker loads the old countertop onto the truck and the driver takes it back to the fabricator's shop. The trip to deliver the item requires payment of the prevailing wage rate and the return trip to the shop also requires payment of the prevailing wage rate.

5. Incorporation, Stockpiles, Concrete, and More Under [WAC 296-127-018](#).

[WAC 296-127-018](#) concerns prevailing wage coverage and exemptions of workers involved in the production and delivery of gravel, concrete, asphalt, or similar materials. The materials covered under this section include but are not limited to: sand, gravel, crushed rock, concrete, asphalt, or other similar materials. See [WAC 296-127-018\(1\)](#).

Prevailing wage is required for time spent waiting to load, transport, unload, deliver, discharge, or remove these materials. Prevailing wage is required for travel time that includes time spent loading, unloading, delivering, discharging, removing, or producing these materials.

5.1 Prevailing wage is Not Required for the Travel Time to Deliver Materials Described above to a "Stockpile" if the Delivery Meets the Requirements of [WAC 296-127-018\(4\)\(a\)\(b\)](#). Prevailing wage is not required when a worker delivers materials to a stockpile. A "stockpile" is defined as materials delivered to a pile located away from the site of incorporation such that the stockpiled materials must be physically moved from the stockpile and transported to another location on the project site in order to be incorporated into the project. Prevailing wage is required when not delivered to a true "stockpile."

A stockpile does not include materials delivered or distributed to multiple locations upon the project site; nor does a stockpile include materials dumped at the place of incorporation, or adjacent to the location and coordinated with the incorporation. Prevailing wage is required for this work.

EXAMPLE 5.1-1: Workers deliver several loads of gravel to a public works project and dump all the materials to one set location away from the road under construction. Prevailing wage is not required for this time absent some additional work

EXAMPLE 5.1-2: Workers deliver several loads of gravel to a public works project and dump the materials at several locations on the project site. Prevailing wage is required for this time.

5.2 Time Spent Traveling Between the Public Works Project and a Supply Source.

Prevailing wage is required for the time spent traveling between the public works project and a supply source to transport sand, gravel, crushed rock, concrete, asphalt, or other similar materials when the delivery is not to a stockpile.

EXAMPLE 5.2: A worker travels from the public works project to a supply source to obtain another load of dirt or beauty bark for use on a public works project. The worker delivers the materials to the public works project but not to a stockpile. The round-trip travel between the public works project and the supply source requires payment of the prevailing wage rate.

5.3 Prevailing Wage is Required for the Travel Time Delivering Concrete to a Public Works Project Regardless of the Method of Incorporation.

Prevailing wage is required for travel to and from the public works project and all clean-up work related to the delivery and discharge of concrete to the public works project. However, prevailing wage is not required for travel time when traveling from the public works project to private work.

EXAMPLE 5.3-1: Prevailing wage is required for the travel time to the employer's place of business from a public works project, as well as the time spent cleaning the inside of the drum and chute of the ready mix truck.

Example 5.3-2: Prevailing wage is not required for the travel time to the employer's place of business from a private project. Prevailing wage is not required for the time spent cleaning the inside of the drum and chute of the ready mix truck after the driver returns to the employer's place of business.

Example 5.3-3: Prevailing wage is not required for the travel time from a public works project to private work, even if the driver travels to a batch plant first to pick up a load of ready mix for a private project.

6. Travel by the Contractor or Subcontractor Related to the Mobilization and Demobilization of the Prevailing Wage Project.

Mobilization refers to the stages of a construction project where preparations occur onsite or offsite prior to the commencement of any work. Demobilization refers to work during stages of a construction project onsite or offsite after the completion of any work including the disassembly,

removal, and site cleanup of buildings and other facilities assembled for this public works project. This includes travel performed by the contractor or subcontractor related to:

- Transporting a job shack or trailer used for the public works project
- Transporting scaffolding used for the public works project
- Transporting water treatment equipment used for the public works project
- Transporting power equipment, for example bulldozers, used for the public works project

Prevailing wage is not required for the delivery of these items when delivered by a supplier, rental company, or other entity that does not perform work on the public works project.

EXAMPLE 6-1: The worker of a local roofing material supplier drives a load of asphalt shingles to a public works project. After arriving at the public works project, the material supplier worker uses a conveyor to distribute the bundles of shingles to the roof. The worker must be paid the prevailing wage rate for the travel time and for the onsite work to distribute shingles to the roof.

EXAMPLE 6-2: The worker of a crane rental company drives a truck and trailer to a public works project. After arriving at the public works project staging area, the rental company worker performs work to assemble the crane. The worker must be paid the prevailing wage rate for the travel time and for the onsite work to assemble the crane.

Travel time transporting portable toilets to or from a public works project does not require payment of prevailing wage.

EXAMPLE 6-3: The worker of a fuel company drives a tanker to a public works project. After arrival at the public works project staging area, the fuel company worker fills the power equipment throughout the site. The worker must be paid the prevailing wage rate for the travel time and for the onsite work.

7. Transporting Garbage and Recycling Dumpsters.

Prevailing wage may be required for workers who deliver and/or pick up garbage and recycling dumpsters.

EXAMPLE 7-1: A worker delivers and/or picks up dumpsters in routine, scheduled municipal garbage service. Prevailing wage is not required for the worker's travel time for this work.

EXAMPLE 7-2: A contractor's worker delivers and/or picks up dumpsters for construction trash, demolition debris, construction debris, and waste. Prevailing wage is required for the worker's travel time for this work.

8. Which prevailing wage rate applies?

To determine the correct prevailing wage rate, you must consider factors such as:

- The applicable scope of work (trade) and job classification for the travel time related to a public works project;
- Type and purpose of vehicle;

- The location (county) of the public works project;
- Effective date of the contract; and
- Other relevant factors.

For instance, the work may fall within the truck driver scope of work, or it may fall within a different scope of work such as power equipment operators or street sweepers.

For any questions, please contact L&I at PW1@LNI.WA.GOV.

Addendum A

OFF-SITE FABRICATION OR MANUFACTURE: APPLICATION OF CHAPTER 39.12 RCW

Washington State Department of Labor and Industries Policy Statement (Regarding the Production of "Standard" or "Non-standard" Items)

Below is the department's (State L&I's) list of criteria to be used in determining whether a prefabricated item is "standard" or "non-standard". For items not appearing on WSDOT's predetermined list, these criteria shall be used by the Contractor (and the Contractor's subcontractors, agents to subcontractors, suppliers, manufacturers, and fabricators) to determine coverage under RCW 39.12. The production, in the State of Washington, of non-standard items is covered by RCW 39.12, and the production of standard items is not. The production of any item outside the State of Washington is not covered by RCW 39.12.

1. Is the item fabricated for a public works project? If not, it is not subject to RCW 39.12. If it is, go to question 2.
2. Is the item fabricated on the public works jobsite? If it is, the work is covered under RCW 39.12. If not, go to question 3.
3. Is the item fabricated in an assembly/fabrication plant set up for, and dedicated primarily to, the public works project? If it is, the work is covered by RCW 39.12. If not, go to question 4.
4. Does the item require any assembly, cutting, modification or other fabrication by the supplier? If not, the work is not covered by RCW 39.12. If yes, go to question 5.
5. Is the prefabricated item intended for the public works project typically an inventory item which could reasonably be sold on the general market? If not, the work is covered by RCW 39.12. If yes, go to question 6.
6. Does the specific prefabricated item, generally defined as standard, have any unusual characteristics such as shape, type of material, strength requirements, finish, etc? If yes, the work is covered under RCW 39.12.

Any firm with questions regarding the policy, WSDOT's Predetermined List, or for determinations of covered and non-covered workers shall be directed to State L&I at (360) 902-5335.

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