

Ab 1851 changed prevailing wage rules for trucking in CA on Jan 1, 2023. AB1851 can be found here-[Bill Text: CA AB1851 | 2021-2022 | Regular Session | Chaptered | LegiScan](#)

Diane submitted questions to the DIR in Sacramento, but they are either not capable of responding, or unwilling to respond to her example questions for clarification. I understand UCON is having the same issues getting clarification.

If I were a contractor or trucking firm today, I would do two things:

1. Review Diane's opinions on the various questions,
2. Call Diane and schedule a consultation for your firm to make certain you are doing things correctly as DIR has not yet clarified the "gray" areas.

Here are Diane's sample questions and her opinions:

AB 1851 amends the definition of "public works" to include "the on hauling (import) of materials used for paving, grading, and fill onto a public works site, if the individual driver's work is integrated into the flow process of construction. There is a big question as to just what that means. The following are some trucking scenarios that happen when a truck imports material. My responses are in red and I just want to see what you think.

1. Truck loads material from a quarry and stockpiles at the jobsite where the contractor's employee in a loader/excavator comes and picks up the material and dumps in the ditch. All the while the driver stays in the cab of the truck. **Non PW (because its stockpiled and not integrated into the flow process)**
2. Truck loads material from a quarry and chain spreads the material on the roadbed where the contractor's employee in a grader spreads the material. All the while the driver stays in the cab of the truck. **PW because integrated into the flow process**
3. Truck loads material from a asphalt plant and dumps into a paving machine at the jobsite where the paving machine lays the material onto the road bed. All the while the driver stays in the cab of truck. **PW because its integrated into the flow process**
4. Truck loads material from a asphalt plant and dumps into the ditch while the contractors employee operates the ditch gate on the truck tailgate directing it into the ditch. All the while the driver stays in the cab of the truck. **PW because its integrated into the flow process**
5. Truck loads material from a asphalt plant and dumps into the ditch from the bottom of the trailer while the contractors employee operates valve opening the gate directing it into the ditch. All the while the driver stays in the cab of the truck. **PW because its integrated into the flow process**
6. Truck loads dirt from a private job and stockpiles it at a public works project where the contractor's employee in a loader/excavator comes and picks up the material and places it on the job. All the while the driver stays in the cab of the truck. **Non PW (because its stockpiled and not integrated into the flow process)**

7. Truck loads drainage pipe and places it in ditches on public works project. **Non PW (because it's not paving, grading, or fill)**

Additional Questions:

1. Does it matter whether the driver stays in truck or not? (Prior case law appeared to indicate that was a factor. Based on the new definition, I don't think it does, plus I also think prior case law was misinterpreting caselaw, and it never really mattered.)
2. The word "immediately" which was used in the prior case laws is not part of the new statute, and I didn't see any discussion of that word in the legislative history. Do you have any insight into that?

My overall analysis is that unless paving, grading and fill material is being stockpiled for someone other than the driver to do something with, it will be PW. Any help you can give would be very much appreciated. My clients and all the trucking companies/contractors in the Bay area want to do the right thing (and even the playing field because there are contractors out there who don't play by the rules) but they just don't know what that is. And the time to get clarification is before they bid and bill, and not in a BLSE Enforcement action.