

TRUCK TALK



NEWSLETTER

Dear Readers,

The TRUCK TALK newsletter provides information regarding trucking on WisDOT highway construction projects. WisDOT will share updates on the Trucking Industry, it's facilitation, and any applicable information on new data, reports and studies.

Submit questions, suggestions, comments, and potential newsletter articles to:

Teresa.Rademacher@dot.wi.gov or Paul.Ndon@dot.wi.gov

In this issue:

- Update on 2020 schedule of owned/leased trucking submittals
- Owner operators required to submit certified payrolls
- Trucking Analysis Matrix

2020 schedule of owned/leased trucking submittals

The 2020 construction season is fast approaching. All trucking firms are required to submit a schedule of owned and/or leased trucks to WisDOT to be considered for work on all highway construction contracts.

Review and submit your firm's annual schedule of owned and/or leased trucks before the extension date of **Thursday April 30, 2020.**

please contact Paul.Ndon@dot.wi.gov if you have any questions.

- [Link to Trucking Schedule Form](#) -

Are owner operators required to submit certified payroll reports?

Yes. US DOL has an enforcement position with respect to bona fide owner-operators of trucks who own and drive their own trucks. Certified payrolls including the names of such owner-operators do not need to show the hours worked or rates paid, only the notation "owner-operator." At WisDOT, however, certified payrolls are submitted via the Civil Rights and Compliance System (CRCS) and therefore, hours and pay need to be included or the CPR would not be accepted or considered submitted and the owner-operator would not be in compliance.

<https://www.dol.gov/whd/govcontracts/pwrb/Tab9.pdf> Pg. 7

Note from the Director

"Trucking on WisDOT construction projects touches many aspects of the work we do in OBOEC. Our goal is to maintain state and federal compliance, generate opportunity, and engage stakeholders respectfully."

Michele Carter,
Office of Business Opportunity and Equity Compliance (OBOEC) Director



Hauling debris off a WisDOT project

Trucking Analysis

Trucking is an essential function involved in building Wisconsin roads. Know what else is? Complying with the regulations that accompany utilizing federal aid to support Wisconsin's highway system. When the state prevailing wage law was repealed, confusion and challenges regarding the federal regulations became more apparent. This fast tracked the OBOEC's (Office of Business Opportunity and Equity Compliance) efforts to improve awareness and accountability of federal requirements.

Form FHWA-1273, the document that outlines federal regulations applicable to WisDOT projects with federal-aid, requires the FHWA-1273 be physically incorporated into the construction contract, subcontracts and lower-tier subcontracts – known as "flow-down." FHWA-1273 covers compliance with wages, Equal Employment Opportunity (EEO), inclusion, safety, and record keeping. We found that trucking work was being treated as a service, even in cases where agreements were made by contractors who utilized trucking for substantial amounts of time. As a result, most contractors were in violation of the "flow-down" requirement and were not supplying trucking firms with the Form FHWA-1273, nor communicating other key compliance components.

Prime contractors are critical contributors in the search for solutions. Form FHWA-1273 states, *"The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses..."* Successful compliance requires that a prime contractor evaluate and monitor their trucking operations.

Communication is key. One development as a result of conversation with industry is the Trucking Analysis Matrix. The Matrix allows us to verify the contractual relationships for trucking work, helps us to understand the measures used to determine the time truck drivers spend on-site, allows for review of the fair application of prevailing wage requirements, and tracks the communication protocols impacting all involved in the trucking operations. The Trucking Analysis Matrix is meant to enhance transparency and accountability and reduce the risk of non-compliance and its costly impacts. Stay tuned as we utilize this analysis along with industry feed-back to move toward developing an Additional Special Provision-