

Meeting Date: February 08, 2023 (01)
Ordinance No.: 10828 (N.S)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO EMPLOYMENT OF TRAFFIC CONTROL WORKERS ON COUNTY MAINTAINED ROADS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purpose. Traffic control workers are responsible for stopping, slowing and safely guiding traffic on roads through construction sites and in response to disruptions to travel. Unexpected and difficult driving conditions in these areas can present a significant risk of harm to motorists, other users of the road, and the traffic control workers themselves. Traffic control workers employed on public works projects are paid a prevailing wage while the same workers employed on private construction projects may be paid significantly less to perform the same work. Low wages and difficult working conditions can present a significant risk of harm to users of public streets that can be avoided by ensuring the most qualified workers are retained to provide traffic control work. The County of San Diego seeks to address the unique safety risks confronted by users of County maintained roads subject to traffic control by ensuring that except in limited circumstances for small projects that all traffic control workers are paid a minimum wage equivalent to the prevailing wage they would receive if working on a public works project.

Section 2. Section 74.301 of Chapter 3 of Division 4 of Title 7 is hereby added to the San Diego County Code of Regulatory Ordinances to read in its entirety as follows:

SEC 74.301 EMPLOYMENT STANDARDS FOR WORK WITHIN COUNTY MAINTAINED ROADS

- (a) As used in this Section, the following terms shall have the following meaning:
- (i) **Highway:** Means the entire width of a street dedicated to public use and accepted into the system of streets maintained by the County of San Diego in accordance with Streets & Highways Code section 941 whether or not the street area has been improved for use as a street.
 - (ii) **Prevailing Wage:** Means the wage required by Labor Code section 1720 et seq. to be paid to a worker on a public works or maintenance project in the location where the work is performed.
 - (iii) **Small Project:** Means any work within a Highway in support of the construction, renovation, or repair of a single-family home, an 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 per Labor Code section 1771 or any subsequent dollar threshold applicable to the payment of Prevailing Wages established by State law.

- (iv) **Traffic Control Worker:** Means 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; except, the term does not include any public agency employee engaged in traffic control for the public agency.
- (b) All Traffic Control Workers providing traffic control work to stop, slow, or direct traffic on a Highway, except if engaged on a Small Project, shall be paid a wage equivalent to the Prevailing Wage otherwise owed to persons engaged on a public works or maintenance project for the same or substantially similar work.
- (c) Any permit or approval issued by the County of San Diego after the effective date of this Ordinance to perform work within a Highway that requires the use of a Traffic Control Worker shall be deemed to include the requirement to pay the wage specified by Subsection (b). Any failure to pay the required wage may, without limitation, be enforced by the Director of the Office of Labor Standards and Enforcement or any other County official with enforcement authority as a violation of the terms of the permit or approval.
- (d) This Section shall not apply to the extent prohibited by law or by State or federal funding source requirements applicable to the work, or where the Board of Supervisors has waived all or a portion of the requirement with regard to a particular project or activity.

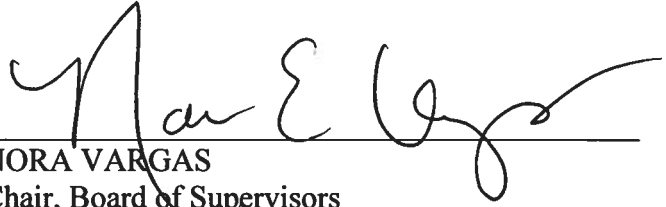
Section 3. Effective Date. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY

CLAUDIA G. SILVA, County Counsel

By: Thomas L. Bosworth, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 08th day of February 2023.



NORA VARGAS
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher
NOES: Desmond

ATTEST my hand and the seal of the Board of Supervisors this 08th day of February 2023.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Savannah Perez, Deputy



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