

# 2023 DBRA FINAL RULE - MDOT BULLET POINTS

<b>Site of Work</b>	
	
Old Understanding	New Understanding
<ul style="list-style-type: none"> <li>Included adjacent or virtually adjacent sites ½ mile or less away</li> </ul>	<ul style="list-style-type: none"> <li>Includes adjacent or virtually adjacent sites <b>AND</b></li> <li>Any site where a significant portion of the work is constructed if the site is dedicated <b>exclusively, or nearly so</b>, to the performance of a single DBRA covered project or contract for a specific period of time</li> </ul>

<b>Trucking (Transportation)</b>	
<ul style="list-style-type: none"> <li>Offsite time is NOT covered (unless traveling between secondary, adjacent, or virtually adjacent sites)</li> <li>Truck drivers who haul onsite &amp; offsite generally will fall under one of two categories of employment:</li> </ul>	
Material Supplier	Contractor / Subcontractor
<ul style="list-style-type: none"> <li>Generally, <u>NOT</u> covered by DBRA.</li> <li>An entity that is engaged in the delivery of <b>offsite</b> material, articles, supplies, or equipment.</li> <li>Must meet <u>ALL</u> of the following:               <ul style="list-style-type: none"> <li>The entity's <b>only obligation</b> on the project is the delivery or pickup of <b>offsite</b> material, articles, supplies, or equipment.</li> <li>The entity's facility or facilities that manufacture the material, articles, supplies, or equipment is not located on the "site of work".</li> <li>Either of the above was established prior to the letting of the contract or project.</li> </ul> </li> <li>If a Material Supplier also engages in other construction work, they are no longer a Material Supplier and instead are classified as a Contractor/Subcontractor.</li> </ul>	<ul style="list-style-type: none"> <li>Covered by DBRA while on the "site of work"               <ul style="list-style-type: none"> <li>If a truck driver is hired by a Contractor/Subcontractor to haul <b>offsite</b> material, articles, supplies, or equipment to the project site, they are not covered by DBRA unless the incidental activities related to the delivery or pickup on the "site of work" exceed the de minimis.                   <ul style="list-style-type: none"> <li>Incidental activities: The time related to loading, unloading, or wait time for materials to be loaded or unloaded is a few minutes at a time.</li> </ul> </li> </ul> </li> <li>Trucking (Transportation) in support of construction activities (excavation, removals, milling, etc.) is always covered work for all time spent on the "site of work". De minimis does not apply to covered onsite trucking (transportation) work.</li> <li>Trucking (Transportation) of materials, articles, supplies or equipment from an onsite stockpile, burrow pit, etc. to road/bridge location is always covered work for all time spent on the "site of work". De minimis does not apply to covered onsite trucking (transportation) work.</li> </ul>

SEE FULL MDOT PRESENTATION FOR ADDITIONAL INFORMATION