

January 26, 2018

The Honorable R. Alexander Acosta
Secretary of Labor
Frances Perkins Building
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Acosta:

The undersigned organizations in the design and construction field strongly oppose the Department of Labor's expansion of the Davis-Bacon Act to members of survey crews and respectfully urge its rescission.

All Agency Memorandum (AAM) 212, issued by the Wage and Hour Division on March 23, 2013, expanded the application of the Act to a class of workers who had never heretofore been considered "laborers and mechanics". This is costly and unnecessary, and set a very dangerous precedent. AAM 212 unilaterally overturned more than 50 years of accepted and settled policy without a change in legislation, legal ruling by a court or the Comptroller General, or public input or comment.

As design and construction organizations whose members depend on the survey crews working under the responsible charge of licensed, professional surveyors, we do not consider such workers to be "laborers and mechanics" under the meaning of that term in the Davis-Bacon Act. We are deeply concerned that AAM 212 set a dangerous precedent that could significantly and adversely affect other design and construction activities in the future.

As the Trump Administration seeks to reduce costly and burdensome regulations, we respectfully urge you to rescind AAM 212 and restore the policy on application of the Davis-Bacon Act to survey crews first established by Secretary Goldberg and accepted in the market for more than 50 years.

Sincerely,

American Council of Engineering Companies
American Society of Civil Engineers
Associated Builders and Contractors
Construction Industry Round Table
Design Professionals Coalition
Independent Electrical Contractors
National Society of Professional Surveyors

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