

King Coal Highway workers shorted

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State and federal officials illegally exempted the King Coal Highway project from prevailing wage laws, a federal judge has ruled.

U.S. District Judge John T. Copenhaver Jr. concluded that Nicewonder Contracting Inc. should have been made to pay required wages under the Davis-Bacon Act.

Copenhaver ruled earlier this month in a case brought by the Affiliated Construction Trades Foundation against the West Virginia Department of Transportation and the Federal Highway Administration.

The lawsuit concerned a deal for Nicewonder to build part of the roadbed for the 93-mile road with waste rock and dirt from an adjacent mountaintop removal coal mine.

The King Coal Highway eventually will run roughly parallel to U.S. 52 from the outskirts of Huntington to near Bluefield. The new four-lane highway will tie into the new Interstate 73/74, which will extend from Michigan to Myrtle Beach.

Nicewonder's deal with highway officials concerned about a dozen miles of the project near Red Jacket in Mingo County.

The ACT Foundation, a coalition of local construction unions, sued to challenge parts of the project.

Copenhaver ruled against the foundation on allegations that federal officials wrongly did not put the project out for competitive bids. The judge did not decide on similar allegations involving state law and state officials, saying those should be left to a state judge to decide.

However, Copenhaver said ACT was correct that construction workers on the project should have been paid according to the Davis-Bacon Act. That 1931 law requires workers on public works projects to be paid according to legal prevailing wage and benefit scales.

Copenhaver asked each side to provide additional legal briefs spelling out what kind of remedies should be required.

Those remedies should include back pay for workers who were not properly compensated, said Steve White, director of the ACT Foundation.